

MODULE II

Part I

- Zone District
- Use Regulations
- Development Standards
- Definitions



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10-1- GENERAL PROVISION

Short title (10-2-2 SHORT TITLE)

Authority (10-2-3 AUTHORITY)

Purpose (10-1-1 PURPOSE, 10-1-6 ORDERLY DEVELOPMENT, 10-2-1 PURPOSE ADOPTION)

Zoning Code Structure (10-1-3 Organization)

Applicability (NEW)

The regulations set by this title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land within the district. Where the regulations of this title impose greater restrictions than those of any other ordinance or regulation, the regulations of this title shall prevail. Where the provisions of any other ordinance or local regulation impose greater restrictions than those of this title, the provisions of such other ordinance or local regulation shall prevail. Except as otherwise specifically provided for in this title, the following shall apply:

E. Property Governed By Zoning District: All property within the city shall be governed according to the zoning district in which it is located.

F. Annexed Territory: All territory which may hereafter be annexed to the city shall be included in the rural holding zone (RHZ) unless the city council specifically approves the territory for another more appropriate zoning district at the time of approving the annexation in accordance with normal zoning amendment procedures.

G. Public Utility Lines And Street Rights Of Way: The provisions of this title shall not apply to utility distribution or collection lines for water, gas, sewerage, surface drainage, storm drainage, electric, telephone and cable television services which are located in a street right of way or which provide service to private property. Utility lines which do not fall into the above exempt category, are governed in this title by the use category which is named "public and semipublic utilities". It is also noted here that excavations of public places for the installation or repair of utility lines must comply with the street excavation ordinance of the city¹.

H. Streets And Railroad Lines: Streets and other vehicular access ways are permitted in all zoning districts subject to any specific limitations for citing and installation as may be imposed by this chapter, the city subdivision regulations ([chapter 5](#) of this title), or any other applicable law or ordinance. Railroad lines (but not railroad yards or terminals) are permitted in all zoning districts subject to any applicable laws and regulations

Official Zoning Map (10-4A-2 OFFICIAL ZONING MAP, 10-4A-3, RULES FOR INTERPRETATION OF BOUNDARIES)

Relationship to other Regulations, Conflicts with Other Regulations (10-1-2 PLANS INCONSISTENT WITH MASTER PLAN)

Transition from Previous Regulations (New)

Compliance Required (New)

D. Reduction In Dimension Or Area: No yard or lot existing at the time of passage hereof shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date hereof shall meet at least the minimum requirements established by this title.

Revisions (10-1-4, REVISIONS)

>> General Provisions will be added in Module 3

If a particular use of structure is not specifically listed as a permitted principal use or a permitted accessory use or a conditional use within the regulations for a particular zoning district, the planning department is empowered to interpret the intent of this title and to treat such an unlisted use or structure in the same manner as a similar use or structure which is listed. If no similar use or structure is listed for a particular zoning district, the presumption shall be that the unlisted use or structure is prohibited. The planning department is also empowered to make interpretations of other provisions of this title which may need greater clarity for application to particular cases. Any person aggrieved by an interpretation made by the planning department may appeal to the board of adjustment for a review of the interpretation. Details regarding the appeal process are contained in section 10-4L-2 of this chapter. (Ord. C99-5, 9-28-1999)

10-2- ZONE DISTRICT

10-2(A) ESTABLISHMENT & CONVERSIONS OF ZONE DISTRICTS

This Article establishes zoning districts and describes the use and design regulations that apply to each. The Base and Overlay zoning districts listed in the *Proposed Zone District* column of Figure 10-2-1 are hereby established and the zoning district classifications in effect before the Effective date of this chapter shall be converted to the base and overlay zones districts as set forth in Figure 10-2-1.

Figure 10-2-1: ZONE DISTRICT SUMMARY	
CURRENT ZONE DISTRICT	PROPOSED ZONE DISTRICT
BASE ZONE DISTRICTS	
Residential Districts	
Rural Residential (RR)	Rural Residential (RR)
Single-family Residential (RS1)	Single Family Residential, Detached (SFR)
Single-family Residential (RS2)	
Single-family Residential Overlay (RSOD)	
Residential Attached Duplex (RAD)	Multi-Family Residential Low (MFRL)
Residential Attached Townhouse (RATH)	
Multiple-family Residential (RM3)	Multi-Family Residential Medium (MFRM)
	Multi-Family Residential High (MFRH)
Mobile Home Park Residential (MH2)	Mobile Home Park (MHP)
Mobile Home Subdivision Residential (MH1)	Deleted
Mixed-use Districts	
Multiple-family Residential (RM5)	Neighborhood Mixed-Use (MXN)

Figure 10-2-1: ZONE DISTRICT SUMMARY

CURRENT ZONE DISTRICT	PROPOSED ZONE DISTRICT
Multiple-family Residential Mixed-use (RM4)	
Neighborhood Commercial (C1)	
General Commercial (C2-A)	
	Mixed-Use Center (MXC)
Non-Residential Districts	
Rural Holding Zone (RHZ)	Rural Holding Zone (RHZ)
General Commercial (C2-B)	General Commercial (GC)
Heavy Commercial (C3)	Heavy Commercial (HC)
Planned Shopping Center (PSC)	
Industrial (I)	Industrial (I)
Industrial park (IP)	
Planned Mixed Use (PMU)	Deleted
Planned Unit Development Overlay (PUD)	Planned Unit Development (PUD)
OVERLAY ZONE DISTRICTS	
Central City Overlay (CCOD)	Downtown District Overlay (DDO)
Business Improvement District (BID)	Business Improvement District Overlay (BIDO)
	Character Protection Overlay (CPO)
Airport Zoning	Airport Protection Overlay (APO)
Floodplain Zoning	Floodplain Protection Overlay (FPO)

10-2(B) ORGANIZATION OF ZONE REGULATIONS

1. Zoning districts may be base zones or overlay zones. Base zones set out the use, intensity and dimensional standards for properties within their boundaries. Gallup's base zone districts are grouped into three (3) types –Residential, Mixed-use, and Non-Residential districts

and shall have the boundaries shown on the Official Zoning Map maintained by the City of Gallup. Overlay zones are superimposed over portions of one or more underlying base zones with the intent of supplementing generally development regulations with additional regulations that address special area-specific conditions or features while maintaining the character and purposes of the underlying base zones. Some overlay zones include standards that modify or supersede standards applied by the underlying base zone; otherwise the uses allowed or prohibited in overlay zones are the same as allowed or prohibited in the underlying base zone. There are five (5) overlay districts; the Downtown District Overlay, Business Improvement District Overlay, Character Protection Overlay, Airport Protection Overlay and Floodplain Protection Overlay.

2. The regulations for each type of zone are organized as described below.
3. The purpose of each zone district;
4. District Standards applicable to the zone that modify or superseded the underlying zone;
5. Reference to other applicable standards included in the Land Development Standards.

10-(2)(B)(a) Residential

10-(2)(B)(a)(i) Rural Residential (RR)

The Rural Residential (RR) district is intended to preserve and protect natural resources and ecological heritage lands, while accommodating low-density residential uses. The RR district provides for low-density, large lots, single-family residential uses with limited agricultural and civic/institutional uses. This district applies to areas characterized by large, single-family parcels on lots with a minimum lot width of one hundred (100) feet or more in width. Uses incidental or accessory to dwellings are included as shown in **Error! Reference source not found.** (Use Table).

10-(2)(B)(a)(i)(A). District Specific Standards

1. A maximum of one (1) Principal dwelling structure shall be allowed per lot.
2. A maximum of one (1) accessory structure may be provided if they meet the standards for accessory structures in section 10-3(E)**10-3(E)**, Use Specific Standards.

Figure 10-2-2: Rural Residential District

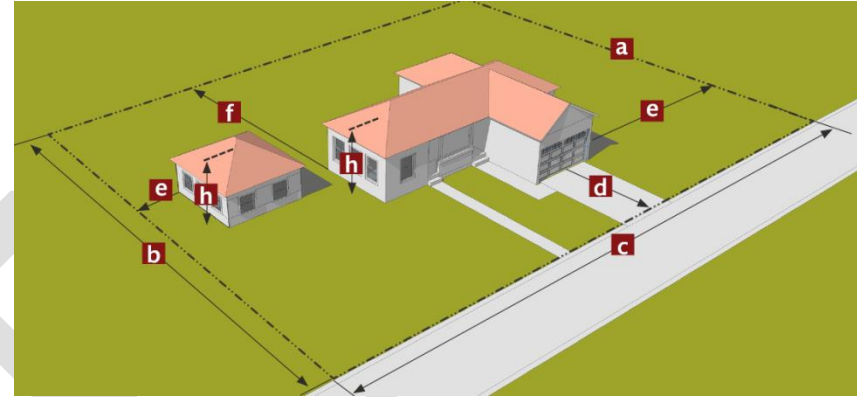


Figure 10-2-3: RR Zone District Dimensional Standards

RR Zone District Dimensional Standards		
Development type		
Lot Standards		
a	Lot area, min.	1 acre
b	Lot depth, min.	100 ft.
c	Lot width, min.	100 ft.
Setbacks		
d	Front	25 ft.
e	Side	15 ft.
f	Rear	30 ft.
g	Adjacent to alley	NA
Building Standard		
h	Height	26 ft. ¹

Figure 10-2-4: Other Applicable Standards

Overlay Districts	10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Fences & Walls	10-(4)(D)(e)
Architectural Design	10-4(E)
Signage	10-4(F)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)

¹ Reduced from 35 ft. to 26 ft. (2 stories) per discussion with the steering committee.

10-(2)(B)(a)(i) Single Family Residential, Detached (SFR)

The purpose of the Single Family Residential (SFR) district is to promote and preserve safe, attractive single-family residential neighborhoods. The principal land use consists of one-family dwelling units on individual lots of varying size and dimensions correlating to historical development patterns. Limited uses that support single-family development, such as recreational and civic/institutional uses, religious/educational facilities, and uses incidental or accessory to dwellings, are included as shown in **Error! Reference source not found.** (Use Table).

10-(2)(B)(a)(i)(A). District Specific Standards

1. A maximum of one (1) principal dwelling structure shall be allowed per lot.
2. A maximum of one (1) accessory structure may be provided if they meet the standards for accessory structures in 10-3(E) Use-Specific Standards.

Figure 10-2-5: Single Family Residential District



Table 10-4B-1a: SFR Zone District Dimensional Standards				
Development type		A	B	C
Lot Standards				
a	Lot area, min.	3,000 ²	6,000	9,000
b	Lot depth, min.	50 ft.	60 ft.	80 ft.
c	Lot width, min.	25 ft.	25 ft.	25 ft.
Setbacks				
d	Front	10 ft.	20 ft. ³	25 ft. ⁴
e	Side	5 ft.	5 ft.	8 ft.
f	Rear	15 ft. ⁵	20 ft. ⁶	25 ft.
g	Adjacent to alley			
Building Standard				
h	Height ⁷	26 ft.	26 ft.	26 ft.

Table 10-4B-1B: Other Applicable Standards	
Overlay Districts	10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Walls & Fences	10-4(D)
Architectural Design	10-4(D)
Signage	10-4(F)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)

² Reduced from 5,000 to 3,000 per discussions with steering committee

³ The front setback may be reduced to a minimum of fifteen (15) feet from the minimum requirements in Table 10-4B-1a where the garage is setback twenty-five (25) feet from the front property line. (existing standard)

⁴ The front setback may be reduced to 20ft where garage or side entry is setback an additional five (5) feet from the minimum requirements in Table 10-4B-1a.

⁵ The rear setback may be reduced to ten (10) feet from the minimum requirements in Table 10-4B-1a where an open back porch exists. (Existing standard which was reduced from 20 to 15 in order to accommodate smaller lots and residential developments)

⁶ The rear setback may be reduced to fifteen (15) feet where an open back porch exists. (Existing standard)

⁷ Reduced from 35 ft. to 26 ft. (2 stories) per discussion with the steering committee.

10-(2)(B)(a)(ii) Multi-Family Residential Low (MFRL)

The Multi-Family Residential- Low (MFRL) provides for a mix of low-density residential development in residential neighborhoods. The district is intended to accommodate one- and two-family residential dwelling units (i.e., detached single-family, duplexes and townhouses) built upon separate, subdivided lots.

10-(2)(B)(a)(ii)(A). District Specific Standards

1. A maximum of one (1) principal dwelling structure shall be allowed per lot.
2. A maximum of one (1) accessory structure may be provided if they meet the standards for accessory structures in 10-3(E) Use-Specific Standards.
3. The minimum common recreational space shall be ten (10) percent of the total site.
4. The maximum project size shall be limited to X.X.
5. All townhouse developments of more than sixteen (16) units shall require site development plan approval per section X.X.

Figure 10-2-6; Multi-Family Residential Low District



Figure 10-2-7: MFRL Zone District Dimensional Standards

Development type	Single-Family / Duplex	Townhouses
Lot Standards		
a Lot area, min.	6,000 sq. ft.	2,000 sq. ft.
b Lot depth, min.	60 ft.	30 ft. ⁸
c Lot width, min.	25 ft.	20 ft.
Setbacks		
d Front	20 ft. ⁹	15 ft.
e Side	5 ft.	15 ft.
f Rear	20 ft. ¹⁰	NA ¹¹
g Adjacent to alley		
Building Standard		
h Height ¹²	26 ft.	26 ft.

Figure 10-2-8: Other Applicable Standards

Overlay Districts	10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Walls & Fences	10-4(D)
Architectural Design	10-4(E)
Signage	10-4(F)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)

⁸ Updated from 20 ft. to 30 ft. per city staff comments.

⁹ New standard, none existed before

¹⁰ Revised from 15 ft. to 20 ft. to make it consistent with the other requirements for 6,000 sq. ft. lots.

¹¹ Updated from 8 ft. as it prohibits townhouses sharing a common wall.

¹² Reduced from 35 ft. to 26 ft. (2 stories) per discussion with the steering committee.

10-(2)(B)(a)(iii) Multi-Family Residential Medium (MFRM)

The Multi-Family Residential Medium (MFRM) district provides for medium intensity, multi-family development generally 4 stories in height and incidental provisions of amenities and open space. The district also permits very limited civic and institutional uses, uses incidental or accessory to Multi-Family dwellings as permitted in **Error! Reference source not found.(Use Table).**

10-(2)(B)(a)(iii)(A). District Specific Standards

1. General
 - b. All multiple-family and townhouse developments of more than sixteen (16) units shall require site development plan approval per **section X.X.**
 - c. The minimum project site size is limited to 10,000 square feet.
2. Townhouse Dwellings Standards¹³
 - a. A maximum of one (1) principal dwelling structure shall be allowed per lot.
 - b. A maximum of one (1) accessory structure may be provided if they meet the standards for accessory structures in Section 10-3(E), Use Specific Standards.
 - c. The minimum common recreational space shall be ten (10) percent of the total site.
3. Multi-family Dwellings Standards¹⁴
 - a. No maximum number of principal dwelling structures per lot.
 - b. The minimum building separation for multi-family developments is twenty-five (25) feet.
 - c. The minimum common recreational space shall be fifteen (15) percent of the total site.

Figure 10-2-9: Multi-Family Residential Medium District



Figure 10-2-10: MFRM Zone District Dimensional Standards

Development type	Townhouse	Multi-Family
Lot Standards		
a Lot area, min.	2,000 sq. ft.	6,000 sq. ft. ¹⁵
b Lot depth, min.	30 ft. ¹⁶	NA
c Lot width, min.	20 ft.	30 ft.
Setbacks		
d Front	15 ft.	15 ft. ¹⁷
e Side	0 ft. ¹⁸	5 ft.
f Rear	15 ft.	15ft.
g Adjacent to alley		
Building Standard		
h Height ¹⁹	38 ft.	38ft.

Figure 10-2-11: Other Applicable Standards

Overlay Districts	10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Walls & Fences	10-4(D)
Architectural Design	10-4(E)
Signage	10-4(F)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)

¹³ Existing standards from Residential Dimension Table

¹⁴ Existing standards from Residential Dimension Table

¹⁵ Revised from 2,000 to 6,000 to provide more flexibility for multi-family development.

¹⁶ Updated from 20 to 30 per city staff comments

¹⁷ Increased from 10ft for consistency among district standards.

¹⁸ Updated from 8ft as it prohibits townhouses sharing a common wall.

¹⁹ Updated to 38 ft. (3 stories) per discussion with the steering committee.

10-(2)(B)(a)(iv) Multi-Family Residential High (MFRH)

The Multi-Family Residential- High (MFRH) district accommodates high-density, multi-family development in urban, residential areas with general height of 5 stories. The district is intended to provide for multi-family dwellings, live/work units, and townhouses. The district also permits limited recreation and entertainment, civic and institutional uses, and uses incidental or accessory to Multi-Family dwellings as permitted in **Error! Reference source not found.** (Use Table).

10-(2)(B)(a)(iv)(A). District Specific Standards

1. All multiple-family of more than sixteen (16) units shall require site development plan approval pursuant to **Section X.X (Administration and Procedures).**
2. No maximum number of principal dwelling structures per lot.
3. A minimum of ten (10) percent of the total site shall be designated to common recreational space.

Figure 10-2-12: Multi-Family Residential High District



Figure 10-2-13: MFRH Zone District Dimensional Standards

Development type		Multi-family
Lot Standards		
a	Lot area, min.	10,000 sq. ft.
b	Lot depth, min.	100 ft.
c	Lot width, min.	50 ft.
Setbacks		
d	Front	15 ft.
e	Side	5 ft.
f	Rear	15 ft.
g	Adjacent to alley	
Building Standard		
h	Height	62 ft.

Figure 10-2-14: Other Applicable Standards

Overlay Districts	10-(2)(B)(d)10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Walls & Fences	10-4(D)
Architectural Design	10-4(E)
Signage	10-4(F)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)

10-(2)(B)(a)(v) Mobile Home Park (MHP)

The purpose of the Mobile Home Park (MHP) district is to accommodate mobile home communities and assure high-quality planning and design standards. Permitted uses for the MPH district are indicated in **Error! Reference source not found. (Use Table).**

10-(2)(B)(a)(v)(A). District Specific Standards

1. All new mobile home parks and/or additions to existing parks which increase the total number of spaces by one or more shall require site development plan approval, pursuant to **Section X.X (Administration and Procedures).**
2. The minimum common recreational space shall be eight (8) percent of the total site.
3. Mobile home parks shall be serviced by a private street system meeting the requirements described below :
 - a. *All interior private streets of the park shall be paved according to the following minimum widths:*

Figure 10-2-15: Private Street Requirements		
Street Type	On-Street Parking	Width
One-way	No parking	14 feet *
Two-way, minor (serving ≤50 spaces)	No parking	20 feet *
Two-way, major (serving >50 spaces)	No parking	24 feet *
*An additional 7 feet of street right of way shall be provided if parallel parking on one side of the street and an additional 14 feet of right of way shall be provided if parallel parking on both sides of the street is permitted. The additional right of way for parking purposes is not required to be paved but it must be surfaced with compacted gravel		

- b. *All interior private streets shall provide curb and gutter and a minimum five (5) foot sidewalk on either side.*

Figure 10-2-16: Mobile Home Park District



Figure 10-2-17: MHP Zone District Dimensional Standards

Development type	Principle Dwelling
Lot Standards	
a Lot area, min.	4,000 sq. ft.
b Lot depth, min.	40 ft.
c Lot width, min.	NA
Setbacks	
d Front	10 ft.
e Side	10 ft.
f Rear	10 ft.
g Adjacent to alley	
Building Standard	
h Height	26 ft.

Figure 10-2-18: Other Applicable Standards

Overlay Districts	10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Walls & Fences	10-4(D)
Architectural Design	10-4(E)
Signage	10-4(F)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)

- c. *Dead end streets or streets ending in cul-de-sacs shall be limited in length to six hundred (600) feet and shall be provided with a turnaround having a minimum paving width diameter of eighty (80) feet.*

4. Minimum building separation for adjoining spaces within in the MH District shall be as follows:²⁰
- a. *Between mobile home dwellings, excluding any attached appurtenances such as carports, garages and/or porches, there shall be at least a twenty (20) foot separation.*
 - b. *Between mobile home dwellings, including their attached appurtenances such as carports, garages and/or porches, there shall be at least a fifteen (15) foot separation.*
 - c. *Between mobile home dwellings and common usage buildings such as recreational, managerial, or service facilities, there shall be at least a twenty-five (25) foot separation.*

²⁰ Existing Standard 10-4B-1.D.2 footnotes to MH Dimensional Requirement table

10-(2)(B)(b) **Mixed-Use**

10-(2)(B)(b)(i) Neighborhood Mixed-Use (MXN)

The purpose of the Neighborhood Mixed-Use District (MXN) is to accommodate neighborhood serving commercial and office uses to create a transition from established residential neighborhoods to commercial areas. It is intended to encourage pedestrian-oriented development at a scale appropriate to the surrounding area. This district allows individual or small groupings of retail sales and services offering a limited variety of convenience items and services for the needs of a local neighborhood. Uses incidental or accessory to the Neighborhood Mixed-Use district are included as shown in **Error! Reference source not found. (Use Table).**

10-(2)(B)(b)(i)(A). *District Specific Standards*

1. General
 - d. *Single-family and duplex dwelling types shall be allowed a maximum of one (1) principal dwelling structure per lot.*
 - e. *Accessory structures may be provided they meet the standards for accessory structures in Section 10-3(E), Use Specific Standards.*
2. Townhouse Developments
 - a. *Townhouse developments are limited to a maximum number of one (1) principal dwelling structures per lot.*
 - b. *The maximum project site size for townhouse developments is limited to XX square feet.*
 - c. *A minimum of ten (10) percent of the total project site shall be designated to common recreational space.*
3. Multi-family Developments
 - a. *The minimum building separation is twenty-five (25) ft.*
 - b. *A minimum of eight (8) percent of the total site shall be designated to common recreational space.*
4. Commercial Development
 - a. *The minimum building separation for commercial developments is fifteen (15) feet.*

Figure 10-2-19: Neighborhood Mixed-Use District



Figure 10-2-20: MXN Zone District Dimensional Standards		
Development type		Neighborhood Mixed-Use
Lot Standards		
a	Lot area, min.	2,000 sq. ft. min 5,000 sq. ft. max
b	Lot depth, min.	40 ft.
c	Lot width, min.	25 ft.
Setbacks		
d	Front	5 ft. min / 15 ft. max
e	Side	5 ft.
f	Rear	15 ft.
g	Adjacent to alley	
Building Standard		
h	Height	38 ft.

Figure 10-2-21: Other Applicable Standards	
Overlay Districts	10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Walls & Fences	10-4(D)
Architectural Design	10-4(E)
Signage	10-4(F)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)

10-(2)(B)(b)(ii) Mixed-Use Center (MXC)

The Mixed-Use Center (MXC) district is established to encourage and facilitate the development of vibrant, high-intensity, pedestrian-oriented activity centers that contain a concentrated mix of land uses. Centers are intended to allow for a higher level of development that is urban in character and provides a horizontal or vertical mix of uses that may include office, civic, institutional, commercial retail and personal services, and residential uses. The siting, architectural style, and scale of development in these destinations should reinforce a pedestrian oriented, walkable environment. Other allowable uses for the MXC district are indicated in **Error! Reference source not found. (Use Table).**

10-(2)(B)(b)(ii)(A). District Specific Standards

1. Mixed Use and Multi-Family Development
 - a. All multiple-family of more than sixteen (16) units shall require site development plan approval pursuant to **Section X.X (Administration and Procedures).**
 - b. No maximum number of principal dwelling structures per lot.
 - c. A minimum of eight (8) percent of the total site shall be designated to common recreational space.

Figure 10-2-22: Mixed-Use Center District



Figure 10-2-23: MXC Zone District Dimensional Standards		
Development type		Center Mixed-Use
Lot Standards		
a	Lot area, min.	NA
b	Lot depth, min.	NA
c	Lot width, min.	NA
Setbacks		
d	Front, min / max	0 / 10 ft.
e	Side, min / max	0 / 5 ft.
f	Rear, max	15 ft.
g	Adjacent to alley	
Building Standard		
h	Height	62 ft.

Figure 10-2-24: Other Applicable Standards	
Overlay Districts	10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Walls & Fences	10-4(D)
Architectural Design	10-4(E)
Signage	10-4(F)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)

10-(2)(B)(c) **Non-residential**

10-(2)(B)(c)(i) General Commercial (GC)

The General Commercial (GC) district is established to accommodate commercial development. Uses permissive in this base zone district include retail sales and services, office, and food and beverage establishments. Uses are intended to be of medium scale and intensity. Allowable uses for the GC district are indicated in **Error! Reference source not found. (Use Table).**

10-(2)(B)(c)(i)(A). *District Specific Standards*

1. All commercial structures containing thirty thousand (30,000) square feet or more of gross leasable floor area, with the exception of office and residential uses, shall comply section 10-(3)(l)(h)(vi) use specific standards for planned shopping centers.

Figure 10-2-25: General Commercial District



Figure 10-2-26: GC Zone District Dimensional Standards

Development type		General Commercial
Lot Standards		
a	Lot area, min.	5,000
b	Lot depth, min.	50 ft.
c	Lot width, min.	30 ft.
Setbacks		
d	Front	5 ft.
e	Side	5 ft.
f	Rear	10 ft. ²¹
g	Adjacent to alley	
Building Standard		
h	Height	35 ft.

Figure 10-2-27: Other Applicable Standards

Overlay Districts	10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Walls & Fences	10-4(D)
Architectural Design	10-4(E)
Signage	10-4(F)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)

²¹ The standard minimum rear setback may be reduced by five (5) feet if the rear yard abuts an alley.

10-(2)(B)(c)(ii) Heavy Commercial (HC)

The Heavy Commercial (HC) district provides for more intense commercial uses, retail sales/services, and storage activities. These uses often require large lots, have special ingress/egress conditions, and tend to generate higher impacts in terms of noise and traffic. Uses may be associated with the merchandising or servicing of transportation vehicles, large equipment, construction materials and the like. The Heavy Commercial district designation should not be assigned to areas adjacent to residential areas. Uses incidental or accessory to the Heavy Commercial district are included as shown in **Error! Reference source not found. (Use Table).**

10-(2)(B)(c)(ii)(A). District Specific Standards

- Any single or unified grouping of trade establishments containing thirty thousand (30,000) square feet or more of gross leasable floor area, with the exception of office and residential uses, shall comply with 10-3(E) Use-Specific Standards for planned shopping centers.²²

Figure 10-2-28: Heavy Commercial District



Figure 10-2-29: HC Zone District Dimensional Standards

Development type		Heavy Commercial
Lot Standards		
a	Lot area, min.	5,000
b	Lot depth, min.	50 ft.
c	Lot width, min.	30 ft.
Setbacks		
d	Front	10 ft.
e	Side	10 ft.
f	Rear	15 ft.
g	Adjacent to alley	10 ft.
Building Standard		
h	Height	55 ft.

Figure 10-2-30: Other Applicable Standards

Overlay Districts	10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Walls & Fences	10-4(D)
Architectural Design	10-4(E)
Signage	10-4(F)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)

10-(2)(B)(c)(iii) Industrial (I)

The Industrial (I) district provides for manufacturing, assembly, fabrication, processing, warehousing/storage, resource extraction, and general industrial uses in appropriate locations, while protecting surrounding areas from any adverse off-site impacts of those activities. Industrial development may be organized in a district planned industrial park, or in individual buildings on individual lots. The principal land uses are industrial, with incidental and supportive business and office uses as listed in **Error! Reference source not found. (Use Table).**

10-(2)(B)(c)(iii)(A). District Specific Standards

1. The use regulations as provided in Table X.X, Use Table, shall apply with the following limitations: ²³
 - a. No objectionable byproducts of the use, such as light, glare, odors, smoke, dust, refuse, vibrations, radiation, electromagnetic interference, fire/explosion hazards and noise in excess of that customary to loading/unloading and handling of goods and materials, shall project beyond the boundaries of the lot on which the use is located.
 - b. All manufacturing operations and goods/materials storage shall be done within enclosed buildings, except as otherwise provided.
 - c. No raw materials shall be processed into any of the following basic products: metals of any kind, glass, plastics, textiles, leather or paper.
 - d. Heating units shall be operated only by electricity, gas, oil or solar energy.
 - e. The manufacturing uses in this district which have been enumerated as conditional uses are those which have some potential for adversely affecting nearby areas due to possible objectionable byproducts or hazards related to their operations. For this reason, the buildings or specific outdoor areas in which such uses are conducted shall be at

Figure 10-2-31: Industrial District



Figure 10-2-32: I Zone District Dimensional Standards

Development type		Industrial
Lot Standards		
a	Lot area, min.	NA
b	Lot depth, min.	NA
c	Lot width, min.	NA
Setbacks		
d	Front	10 ft.
e	Side	15 ft.
f	Rear	20 ft.
g	Adjacent to alley	
Building Standard		
h	Height	65 ft.

Figure 10-2-33: Other Applicable Standards

Overlay District	10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Walls & Fences	10-4(D)
Architectural Design	10-4(E)
Signage	10-4(E)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)

²³ Existing Standards 10-4B-3.I

least four hundred (400) feet distant from the boundaries of any residential zoning district.

- f. *Manufacturing operations conducted outdoors or for outdoor storage yards or out-door sales display areas approved through conditional use approvals, shall require appropriate security fencing and/or screening as determined at the discretion of the Planning & Development Director.*
- 2. Specific environmental performance requirements referred to in subsection X.X of this chapter shall be met. Instances where the above use limitations and the specific environmental performance requirements listed in subsection 10-4(G) of this section differ, the more stringent provisions shall apply.
- 3. Buildings and structures may exceed the maximum height requirements in Table X.X, IND District Dimensional Standards, when the particular use requires it; provided, that the following conditions are met:
 - 4. An increase in height beyond the maximum height limitations is approved by the board of adjustment according to the process specified for conditional use permits.
 - 5. The building or structure exceeding the maximum height limitations of the particular zoning district observes front, rear and side yard setbacks equal to the height of the building or structure.
 - 6. There is no limitation on the number of principal buildings occupying a specific lot or site provided that the dimensional requirements in Table X.X are be met for each principal building as if it were situated on its own individual lot.
 - 7. Accessory structures may be provided they meet the standards for accessory structures in Section 10-3(E), Use Specific Standards.

10-(2)(B)(c)(iv) Rural Holding Zone (RHZ)

The Rural Holding Zone (RHZ) district is exclusively intended to “hold” vacant land until such time as the demand for development of the land is sufficient to warrant immediate development. The RHZ designation is intended to prevent or limit the use of land in order to achieve orderly, phased development and to ensure that the infrastructure servicing and land use policies established in the Growth Management Plan have been met prior to removing the holding status.

10-(2)(B)(c)(iv)(A). *District Specific Standards*

1. All lands in the RHZ zone shall be considered in holding status until such time as they are rezoned to another base zoning district.
2. No lands shall be used and no buildings or structures shall be erected, altered, enlarged, used or maintained until such time as the holding status has been removed.
3. Removal of the holding status shall require a zone amendment pursuant to **Section X.X (Administration and Procedures)**.
4. Upon removal of the holding status, the permitted use of the subject property and the erection of any buildings or structures thereon shall be undertaken in accordance with the provisions of the underlying zoning category.
5. Temporary uses listed in the Use Table X.X may be conducted on lands within the RHZ zone with the approval of a Temporary Use Permit. Other uses of temporary nature not listed in the Use Table, but deemed appropriate at the discretion of the Planning Director may also be approved through a Temporary Use Permit.
6. Temporary Use Permits in the RHZ zone will be valid for a period of one (1) year.

10-(2)(B)(c)(v) Planned Unit Development (PUD)

The Planned Unit Development (PUD) district is intended to accommodate innovative land planning, site and building design concepts that may not conform to a standard zoning district. The PUD zone is typically applied to areas that are a minimum of X²⁴ acres. The application of this district is intended to create a high quality development that is sensitive to the environment while also meeting the overall community and land use goals of the City of Gallup. The PUD zone district encourages innovative land planning, site and building design patterns. Desired outcomes include the following:

1. Efficient use of land;
2. Preservation of open space and public facilities;
3. Variation of the organization of site elements;
4. Variation of building location and building types;
5. Multi-modal pedestrian and vehicular circulation patterns;
6. Mix of uses, densities and intensities within the same development that are well integrated;
7. Development forms and patterns that respect the character of the established surrounding neighborhoods and or other types of land uses;
8. Higher standards of site and building design and the allowance of innovation in residential, commercial and industrial land development to take advantage of new technology in site planning and building design and construction; and
9. The preservation and enhancement of desirable site characteristics, both natural and man-made, including but not limited to geographic features and topography, rivers, floodplains, trees, and historic features.

10-(2)(B)(c)(v)(A). *Applicability*

1. A planned development zoning district has no size requirements, provided the parcel or tract of land of sufficient size and dimension

to be planned and developed, or redeveloped, as a unit in a manner consistent with the purposes for which planned developments.

2. A planned development may consists of one or more land uses.

10-(2)(B)(c)(v)(B). *Rezoning Eligibility*

1. A PUD may be established on any parcel in any zone district, if the applicant can demonstrate to the City of Gallup's Planning Department that the PUD will provide at least three of the following site design elements that otherwise could not be attained through a project design under conventional zoning:
 - a. *Mixed-use development that include residential and non-residential uses or a variety of housing types;*
 - b. *Redevelopment/infill;*
 - c. *Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site*
 - d. *High quality architectural design beyond the site plan requirements of section 10-4(E), Architecture;*
 - e. *Extensive landscaping beyond the site plan requirements of section 10-4(C);*
 - f. *Preservation, enhancement, or restoration of natural resources;*
 - g. *Preservation or restoration of historic structures and sites;*
 - h. *Supply of open space, public plazas or other features that will be available for public use;*
 - i. *Consolidation of oddly shaped parcels or property with difficult site conditions (e.g. topography, shape, etc.);*
 - j. *Development of incompatible adjacent land uses by providing an effective transition between higher and lower density uses, and/or between non-residential and residential uses.*
 - k. *Shared vehicular access between properties or uses.*
 - l. *Mitigation of off-site impacts on public facilities such as road improvements.*

²⁴ Size to be determined during Module 2.

- m. *Significant use of sustainable building and site design features such as: water use reduction, water-efficient landscaping, innovative wastewater technologies, low-impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, re-used/recycled/renewable materials, or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards.*
- 2. The PUD shall conform to the adopted Growth Management Plan.
- 3. In order to establish a PUD, a **Development Plan per the requirements of Section X.X** shall be approved and filed as part of the PUD approval (e.g. rezoning process to a PUD district).

Figure 10-2-34: Other Applicable Standards

Overlay Zone	10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Walls & Fences	10-4(D)
Architectural Design	10-4(E)
Signage	10-4(F)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)
Subdivision Ordinance	
Infrastructure Design	
Any other Applicable codes, such as Building and Fire.	

10-(2)(B)(c)(v)(C). District Specific Standards

1. Permitted Uses
 - a. *The PUD zone may contain any of the uses listed in the Use Table X.X, provided those uses do not create significant adverse impacts on adjacent sites or neighborhoods and are compatible with the general context within which the development is placed.*
 - b. *Uses not listed in Table X.X, Use Table, may be considered at the discretion of the CPC and shall be indicated on the approved PUD Development Plan.*
 - c. *All allowable uses in the PUD zone district are subject to the applicable Use-specific Standards listed for that use in 10-3(E)Use-Specific Standards unless modified by the approved PUD Development Plan.*
2. Applicable Development Standards
 - a. *Unless specifically modified by the approved Development Plan, all PUD developments shall comply with the applicable sections listed in Figure 10-2-34, Other Applicable Sections.*

3. General Standards

- a. *The density and design of the PUD shall be compatible in use, size and type of structure, relative amount of open space, traffic circulation and general layout with any adjoining land uses.*
- b. *The approved Development Plan required for a PUD request shall establish the following:*
 - i. *Maximum land coverage of all buildings and impermeable areas shall be established.*
 - ii. *Maximum residential densities shall be established within the PUD district, the applicant shall be required to give their rationale and justification for the density proposed, considering such factors as the suitability for development of the land in terms; the density of surrounding established neighborhoods; the availability of infrastructure and public transportation; and the conformance with the applicable regulations of this LDS.*
 - iii. *Minimum interior and perimeter setbacks shall be established. The perimeter of the project shall be aesthetically compatible with the land use of adjoining properties. Perimeter lots adjoining or*

abut-ting property outside the project shall be screened in an aesthetic manner from adjoining properties so as to protect such adjacent lots from visual and audible impacts;

- iv. *Maximum height limitations shall be established.*
- v. *Minimum landscape screening requirements shall be established.*
- vi. *Sign regulations for the PUD development shall be established.*
- vii. *Provision for the continued maintenance of all improvements shall be noted.*
- c. *A minimum of eight (8) percent of the site shall be development as common open and/or recreational space in accordance with the requirements of sub-section 10-5-11E6 of the Subdivision Ordinance. Common recreation space shall be arranged so as to be an integrated part of the project, not isolated and apart therefrom.*
- d. *One or more major egress circulation points must be functionally connected to a public arterial or collector street(s). In addition, the development is recommended to be located in accordance with the building/street type relationships outlined in Figure 10-2-35:*

Figure 10-2-35: Other Applicable Standards

Building Type	Recommendations
Community shopping	Locate on arterial intersections.
Duplex	Locate units on local streets and residential collectors.
Industrial	Locate on principal arterial or planned industrial
Mobile homes	Locate mobile home subdivisions on local streets. Locate mobile home parks with access to collectors; and allow some controlled access onto minor arterials.
Multi-family	Locate units in planned area with direct access to collectors; and allow some controlled access onto minor arterials.
Neighborhood shopping	Locate on collector intersection.

Figure 10-2-35: Other Applicable Standards

Building Type	Recommendations
Regional retail	Locate proximate to intersection of interstate system and/or principal arterials.

- e. *Streets may be private or public. Public streets shall be designed and constructed to city standards per **section X.X** the subdivision ordinance.*
- f. *Water and sewer systems shall be designed and constructed to city standards per **standards in section X.X**.*

10-(2)(B)(d) Overlay Districts

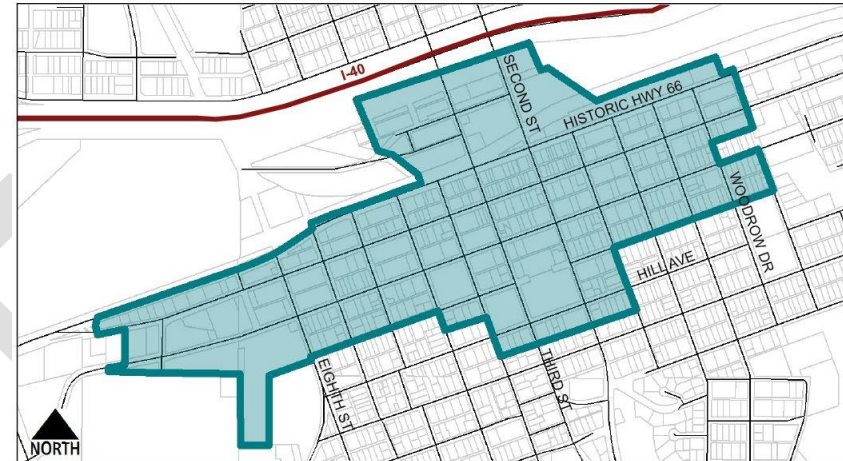
10-(2)(B)(d)(i) Downtown Overlay (DO)

The Downtown Overlay (DO) district is intended to facilitate the redevelopment of the downtown area. It establishes district standards to ensure the preservation and creation of a well-defined, urban form. The downtown overlay district establishes design requirements for land and structures in all underlying base zone districts within the boundaries of the overlay district to create a consistent appearance and distinctive identity throughout the downtown area and ensure that development conforms to the intent of the Gallup Downtown Redevelopment Plan.

10-(2)(B)(d)(i)(A). Applicability

1. Downtown Overlay (DO) district standards apply to the Downtown Metropolitan Redevelopment Area (MRA), as mapped by the City of Gallup in this section and shall apply to:²⁵
2. New construction of all residential, mixed-use, or non-residential structures;
3. Expansions of existing multi-family, mixed-use, and non-residential structures of twenty five percent (25%) or more of building floor area shall require façade improvements for the expanded floor area when visible from the public right-of-way; or
4. Renovations. Where the landscaping, parking or other site components of an existing building are not in compliance with adopted City design standards, renovations to existing multi-family, mixed-use, or non-residential structures exceeding two hundred thousand dollars (\$200,000) in improvements that require a building permit shall require façade, parking, landscape, and site improvements installed. The value of required site improvements shall be up to twenty percent (20%) of the overall project valuation. Example: a renovation valued at 200,000 could require up to

Figure 10-2-36: Downtown Overlay Boundaries



LEGEND

- Downtown Overlay Area
- Highway
- Roads
- Parcels

Figure 10-2-37: Downtown Overlay District Dimensional Standards

Development type		Mixed-Use
Lot Standards		
a	Lot area, min.	NA
b	Lot depth, min.	100 ft.
c	Lot width, min.	30 ft.
Setbacks		
d	Front, max	10 ft.
e	Side, mix	0 ft.
f	Rear, min	10 ft.
g	Adjacent to alley	
Building Standard		
h	Height, max	65 ft.

Figure 10-2-38: Other Applicable Standards

Use Districts	10-(2)(B)(d)
Permitted Use Table	10-3(D)
Use Specific Standards	10-3(E)
Parking & Loading	10-4(A)
Access & Connectivity	10-4(B)
Landscaping & Screening	10-4(C)
Walls & Fences	10-4(D)
Architectural Design	10-4(E)
Environmental Performance	10-4(G)
Terrain Management	10-4(H)

²⁵ Revised to make consistent with the Gallup Downtown Redevelopment Plan, new threshold triggers per city request

5. \$40,000 in site improvements required to bring the property in compliance with landscaping, parking and site standards.
6. The provisions of the DO shall supplement the provisions of the underlying zoning district(s). In the event of a conflict between the provisions of the DO with the provisions of the underlying zone district(s), the provisions of 10-(2)(B)(d)(i) Downtown Overlay (DO) shall govern.²⁶

10-(2)(B)(d)(i)(B). Exceptions

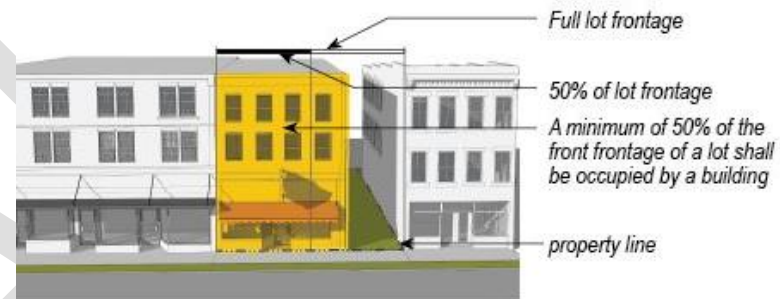
1. Historic structures designated on, or eligible for the National Historic Register located within the Downtown Overlay District are exempt for the standards in 10-(2)(B)(d)(i) Downtown Overlay (DO).

10-(2)(B)(d)(i)(C). District Specific Standards

1. Permitted Uses²⁷
 - a. Permitted and conditional uses as established by the base zoning district shall also be permitted in the Downtown Overlay district, with the exception that the following uses are specifically prohibited in the Downtown Overlay district:
 - i. Adult Entertainment
 - ii. Adult Retail
 - iii. Heavy Manufacturing
 - iv. Special Manufacturing
 - b. A minimum of fifty (50) percent of the total ground floor area of buildings in the DO shall be occupied from uses in the residential, civic and institutional, food and beverage, recreational and entertainment, lodging, office and services, or retail sales categories of Figure 10-3-1: USE TABLE.
 - c. Residential dwellings above the ground floor shall be permitted by right (i.e. without a conditional use permit).
2. Dimensional Standards

- a. The dimensional standards in Figure 10-2-37: Downtown Overlay District Dimensional Standards shall apply within the DO district.
- b. The primary building wall facing a public right-of-way shall occupy a minimum of seventy (50) percent of the front property line width. On a corner lot, the required seventy (50) percent must begin at the corner.

Figure 10-2-39: Downtown Overlay District - Percent Building Coverage



- c. The minimum ground floor height shall be twelve (12) feet.
3. Signage
 - a. Each business within the downtown overlay district is limited to one projecting sign per establishment.²⁸
4. Building Entrances²⁹
 - a. Buildings shall have at least one (1) pedestrian entrance (individual or shared) facing a public right-of-way.
 - b. Primary building entrances shall be clearly defined and highly visible through incorporating at least two of the following design features:
 - i. Entry recesses or projections;
 - ii. Display windows that are directly adjacent to the entrance;
 - iii. Canopies, porticos or roof overhangs above the entrance

²⁶ Existing standard 10-4B-5.A.2

²⁷ New standards based on national best practice

²⁸ Existing standard from projecting signage definition

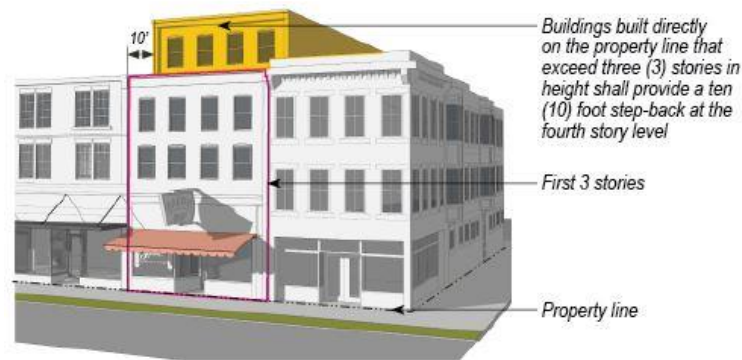
²⁹ New standards based on national best practice

- iv. Arcades that are physically integrated with the entrance;
- v. Gabled roof forms, arches, or raised corniced parapets above the entrance;
- vi. Outdoor plaza adjacent to the entrance, provided it has a minimum depth of 20 ft.; or
- vii. Architectural massing and treatments, including but not limited to towers, portals, overhangs, fenestration, material and color changes, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance. (illustrate these concepts)

5. Façade Articulation³⁰

- a. Buildings that have a zero (0) foot front setback and exceed three (3) stories in height shall provide a ten (10) foot step-back at the fourth story level of the front facade.

Figure 10-2-40: Downtown Overlay District - Façade Articulation



- b. Each building wall facing a public right-of-way shall incorporate wall plane articulation every fifty (50) linear feet through one or combinations of the following techniques:

³⁰ New standards based on national best practice

³¹ New standards based on national best practice

- i. Horizontal and vertical recesses and offsets;
- ii. Breaks (reveals, recesses) in the surface of the wall itself;
- iii. Placement of window and door openings;
- iv. Placement of features like awning, canopies, overhangs, and arcades;
- v. A change in building material; or
- vi. Another architectural feature approved at the discretion of the Planning Director.

6. Transparency³¹

- a. A minimum of sixty (50) percent of any ground-floor wall that faces a public right-of-way shall contain transparent display windows and/or doors, with the lower edge of the window will no higher than 30 inches above the finished floor.
- b. A minimum of forty (30) percent of each higher floor that faces a public right-of-way shall contain transparent windows and/or doors.

Figure 10-2-41: Downtown Overlay District - Transparency



7. Outdoor Space³²

³² New standards based on national best practice

- a. *Outdoor seating areas located in the public right-of-way shall require a Revocable Permit, per the requirements of Section X.X.*
- b. *Outdoor seating and dining areas, fountains, plazas, courtyards and other amenities are encouraged in the Downtown Overlay district.*
- c. *Outdoor dining areas are permitted to be placed on the public sidewalk, provided it is situated immediately adjacent to a ground floor use with which it is associated and the area meets the following standards:*
 - i. *The limits of an outdoor dining area shall not exceed the width of the storefront with which it is associated.*
 - ii. *A minimum of 5' of unobstructed sidewalk space for pedestrians shall be maintained along the public sidewalk at any time.*
 - iii. *Fences or other perimeter enclosures with a height of between three (3) and four (4) feet must be at least fifty (50) percent open to maintain visibility. No fences or other perimeter enclosures shall exceed four (4) feet in height.*
 - iv. *Seating areas should not interfere with ingress or egress of surrounding establishments.*
 - v. *The outdoor dining use operator shall maintain the outdoor dining area in a clean and safe condition at all times.*

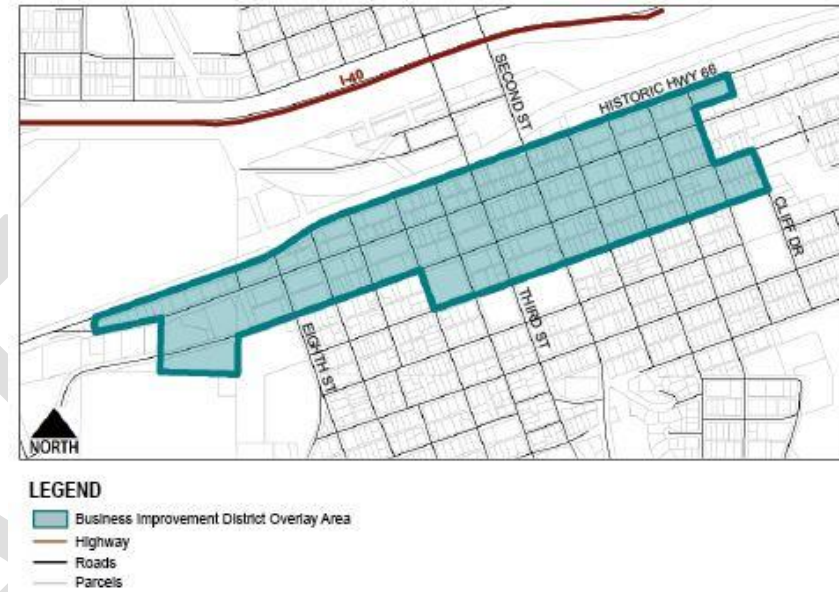
10-(2)(B)(d)(ii) Business Improvement District Overlay (BID)

The purpose of the Business Improvement District Overlay (BIDO) is to administer the Business Improvement District, adopted in 02.24.2009 per Ordinance 2009-1, 2-24-2009.

10-(2)(B)(d)(ii)(A). *District Specific Standards*

1. A business improvement district hereafter referred to as BID be and hereby is authorized to be created under the following terms and conditions: The initial period of existence for the BID shall be from January 1, 2009 through December 31, 2011, when the viability of the BID shall be reviewed by the city council and the BID shall continue, unless by majority vote of the city council it determines to repeal this section, and if not repealed it shall continue through December 31, 2013. Prior to December 31, 2013, the city council reviewed the BID and determined that it shall remain in existence until December 31, 2018, and will expire automatically on that date unless affirmatively extended by a majority vote of the city council prior to December 31, 2018.
2. The BID shall be administered by a nine (9) person management committee appointed by the mayor with six (6) citizen members coming from a list of nominees submitted by the planning group of BID area property and business owners; and further consisting of three (3) representatives from the city being one member of the city council and two (2) city staff members; and six (6) citizens of the city of Gallup consisting of three (3) BID area property owners, one BID area business owner, and two (2) at large members of the community. The citizen members of the management committee shall be appointed for initial terms of three (3) years with three (3) of those members continuing to serve two (2) additional years and the mayor appointing three (3) new members biennially thereafter. City members shall serve at the pleasure of the mayor.
3. The area of the BID shall consist of boundaries being Historic Route 66 Avenue on the north, Hill Avenue on the south, the West Y on the west, and Cliff Street on the east. Incorporated herein as exhibit A is a map defining the exact boundaries of the BID.

Figure 10-2-42: Business Improvement Overlay Boundaries



4. The area of the BID shall consist of boundaries being Historic Route 66 Avenue on the north, Hill Avenue on the south, the West Y on the west, and Cliff Street on the east. Incorporated herein as exhibit A is a map defining the exact boundaries of the BID.
5. Each tract of commercial property within the BID area shall be subject to annual property assessments in the amount of one percent (1%) of the assessed value for said property under the 2006 real property tax assessment of said property as shown by the assessment of said property done by the McKinley County assessor's office. Said assessments shall be mailed to each property owner within the BID area semiannually the last week of each February and August with one-half (1/2) of the total annual assessment being due and payable to the city of Gallup on or before March 10 and September 10 of each year respectively. Should any property owner fail to remit the assessment when due, the unpaid amount shall constitute a lien on the subject property which may be foreclosed upon by the city as provided by state law for the collection of amounts owed to the city under the state municipal code. The office

of the city clerk shall prepare and mail out the BID assessments. The office of the city clerk shall collect all payments received for BID assessments from the subject property owners and remit said funds to the city finance department for use in funding specific projects recommended by the BID management committee in accordance with this section.

6. The aforementioned assessment shall remain at the initial rate through the first five (5) years of the existence of the BID. Should the BID continue after its initial five (5) year period the assessment rate shall be redetermined biennially thereafter by the city council on or before January 1 of each subsequent two (2) year period.
7. The city of Gallup shall match the money raised by the BID assessments on a dollar for dollar match semiannually as actual assessment payments are received. The city shall segregate the BID assessment payments and its matching funds in a separate account to be used solely for BID purposes. The city shall not charge against its matching funds more than ten percent (10%) of its annual match as in-kind services for administering the BID funds and providing other support for the BID project.
8. The assessments for the BID shall not be made on real property within the designated BID area which is owned by any governmental entity, is residential property, or is owned by any nonprofit corporation.
9. The management committee of the BID shall submit to the city council within one hundred twenty (120) days of the adoption hereof a plan for BID operation which shall include a list of proposed improvements to be made by the BID project, the estimated amount of benefit that each tract of commercial property within the BID shall have conferred upon it by the BID project, a legal description of each property to be assessed within the BID area along with the physical address of each property and the mailing address of the property owner as shown on the records of the McKinley County assessor's office, the amount of the initial assessment on each subject property within the BID area, and the designation of a nonprofit corporation such as Gallup BID, Inc., or another analogous corporate entity to receive BID funding to implement BID projects.
10. The management committee shall be responsible for the operation of the BID, it shall prepare and file with the city council for approval by the council an annual budget and progress report, it shall recommend any changes in the annual assessment for consideration by the council, it shall file an annual report with the city council showing a complete financial statement setting forth the BID's assets, liabilities, income, operating expenses, and detailing the benefits conferred by the BID projects to the property and business owners located within the BID area.
11. The assessments made on commercial property within the BID area may be passed on by the subject property owners to their individual commercial tenants in an amount not to exceed seventy five percent (75%) of the total annual fee. If a subject property owner elects to pass on said portion of the BID annual assessment fee he shall notify in writing the city clerk on or before February 20 of each year that the tenant shall be paying a portion of fee and the city clerk shall send duplicate assessments to both the designated tenant and owner. Should the tenant fail to remit the assessment fee in a timely manner, the city clerk shall notify the subject property owner in writing of said failure to remit and the subject property owner shall remit the full amount of the assessment fee to the city clerk within thirty (30) days of the mailing of the notice or the subject property shall have a lien placed upon it for collection.
12. It is the intention of the city to adopt by reference and incorporate into this section all the definitions of terms set forth in section 3-36-3 New Mexico Statutes Annotated, 1978 compilation (as revised).
13. It is the intention of the city to allow the broadest discretion in the BID management committee to accomplish its goals, limited only by the express terms of the business improvement district act section 3-63-1 et seq., New Mexico Statutes Annotated, 1978 compilation (as revised), as that state statute now exists or may be revised, and upon the further limitation that no BID project or program may duplicate services, projects, or programs of the city.
14. In addition to those powers conferred upon the BID by this section, the BID is authorized to apply for and receive monetary grants from any source to supplement its funds generated by property assessments and city matching funds. Further, the BID is authorized

pursuant to section 3-63-12 New Mexico Statutes Annotated, 1978 compilation (as revised), to issue revenue bonds from time to time in its discretion to finance the undertaking of any improvements within the BID area, including, but not limited to, the issuance of bonds to pay the costs of installation, acquisition, construction or reconstruction of any public facility within the BID area. The city shall have the power to issue refunding bonds for the payment or retirement of bonds previously issued by it pursuant to the BID act. These bonds shall be made payable as to both principal and interest solely from the income, proceeds, revenues and funds of the city derived from or held in connection with its undertakings and carrying out of authorized improvements within the BID area or for activities under the BID act. Payment of these bonds, both as to principal and interest, may be secured by pledge of any loan, grant or contribution from the federal government or other source in aid of any improvements within the BID area and by a mortgage or pledge of any of the real property acquired within the BID area or otherwise pursuant to the authority granted by the BID act. Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under the provisions of the BID act are declared to be issued for an essential public and governmental purpose and the bonds and interest and income from them shall be exempted from all taxes. Bonds issued under this provision shall be authorized by a separate ordinance of the city council for BID projects specifically authorized and approved by the city council. Bonds issued hereunder may be issued in one or more series and shall bear a date or dates, be payable on demand or mature at a time or times, bear interest at a rate or rates not exceeding the legally authorized rate, be in a denomination or denominations, be in the form provided by the supplemental public securities act² as to registration, have rank or priority, be executed in a manner, be payable in a medium of payment at a place or places, be subject to the terms of redemption, with or without premium, be secured in a manner and have the other characteristics as may be provided by the resolution or trust

indenture or mortgage issued pursuant thereto. The bonds or any portion of the bonds may be sold at not less than par at public sales held after notice published prior to the sale in a newspaper having a general circulation in the area of operation and in any other medium of publication as the city council may determine. The bonds may be exchanged for other bonds on the basis of par. The bonds may be sold to the federal government or to the state at private sale at not less than par, and, in the event less than all of the authorized principal amount of the bonds is sold to the federal government or to the state, the balance may be sold at private sale at not less than par at an interest cost to the city of not to exceed the interest cost to the city of the portion of the bonds sold to the federal government. In the case of any public officials of the city whose signatures appear on any bonds or coupons issued under the BID act shall cease to be public officials before the delivery of the bonds, the signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the officials had remained in office until delivery. Any bonds issued pursuant to the BID act shall be fully negotiable. In any suit, action or proceeding involving the validity or enforceability of any bond issued under the BID act or the security therefor, any bond reciting in substance that it has been issued by the city in connection with authorized improvements within the BID area shall be conclusively deemed to have been issued for that purpose, and the project shall be conclusively deemed to have been planned, located and carried out in accordance with the BID act.

15. Commercial property owners adjacent to the BID area boundaries shall be allowed to be included in BID projects as a "friend of the BID" if they submit a written request to the BID management committee and pay the full amount of property assessment required of property owners within the BID area boundaries. Any property owner who becomes a "friend of the BID" must remain subject to the BID property assessment for a minimum of five (5) years. All provisions of this section which apply to BID area property owners shall be binding on a "friend of the BID".
16. It is further ordained that temporary provisions may be necessary for the initial implementation of this section due to the timing of its consideration and enactment. Therefore, the initial time frames set

forth herein for sending out of BID assessments, and the submission of the management committee's initial plan of operation may be extended for a period not to exceed one hundred twenty (120) days after passage.

DRAFT

10-(2)(B)(d)(iii) Character Protection Overlay (CPO)

The purpose of the Character Protection Overlay (CPO) zone is to preserve areas with distinctive characteristics that are worthy of conservation but are not Historic. The Character Protection Overlay designation recognizes the historical development practices of single-family development in the older portions of the city, where relaxed setback and area standards are necessary to lessen the degree of nonconformance and allow continuation of historical development patterns.

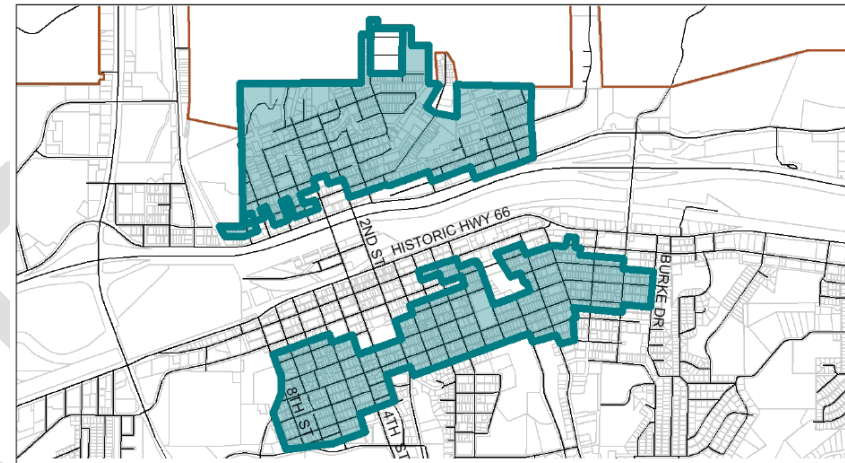
10-(2)(B)(d)(iii)(A). Applicability

1. Character Protection Overlay (CPO) standards apply to the all properties within the Character Protection Overlay areas, as mapped by the City of Gallup in Figure 10-2-43: Character Protection Overlay Boundaries.

10-(2)(B)(d)(iii)(B). District Specific Standards

1. Lot Area
 - a. *There is no minimum lot area provided all other CPO standards are met.*
2. Lot Width
 - a. *The minimum lot width requirement shall be the smaller of:*
 - i. *The average width of the four closest lots on either side of the project site fronting on the same block face; or*
 - ii. *The average of the widths for all other lots fronting on the same block face.*

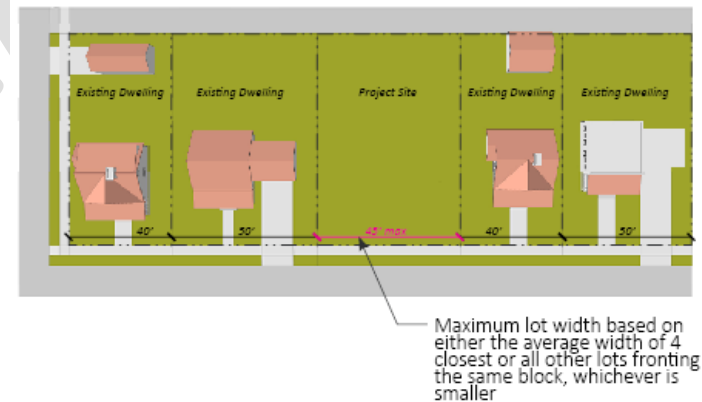
Figure 10-2-43: Character Protection Overlay Boundaries



LEGEND

- Character Protection Overlay Area
- Gallup City Limits
- Roads
- Parcels

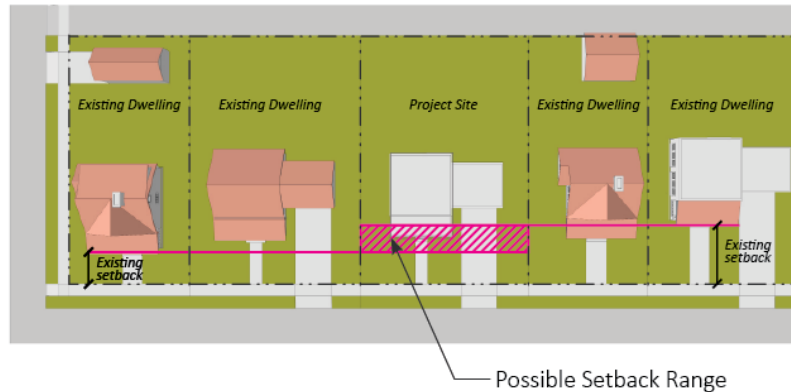
Figure 10-2-44 CPO Lot Width



3. Setbacks

- a. *The front setback for construction of new structures shall be within the range of the front setbacks of the block face in which the project site is located. This range of setbacks is determined based on the closest four lots surrounding the project site, provided that no structure shall be no closer than the narrowest setback nor further than the deepest setback.*

Figure 10-2-45: CPO Minimum Setbacks



4. Building Design for Residential infill

- a. *Residential infill development shall conform to the maximum extent practicable with existing residential development in the neighborhood. Such conformance shall include but not be limited to:*
 - i. *Building height and scale, roof pitch, and dwelling size- to the maximum extent practicable;*
 - ii. *Building orientation and location of entrance must be consistent with the neighboring buildings;*
 - iii. *Design of the buildings should reflect architectural styles compatible with the dominant styles of the neighborhood.*

³³ Existing Standard 10-4C-1.B.2.c

5. Commercial Areas

- a. *The use regulations as provided in Figure 10-3-1: USE TABLE, shall apply with the following limitations:*
 - i. *There is no limitation of the number of principal buildings occupying a specific lot or project site; provided, that the dimensional requirements for the underlying district are met for each principal building as if it were situated on an individual lot.*
 - ii. *Accessory structures may be provided they meet the standards for accessory structures in Section 10-3(E), Use Specific Standards.*
 - iii. *All commercial loading and unloading activities shall be conducted at the rear or side of a building.*
 - iv. *All garbage collectors or dumpsters shall be located to the rear of a building and may be located within the required rear setback area, provided they are not less than five (5) feet from the lot line.*³³
- b. *Any single or unified grouping of trade establishments containing thirty thousand (30,000) square feet or more of gross leasable floor area, with the exception of office and residential uses, shall comply with section 10-(3)(l)(h)(vi), use specific standards for planned shopping centers.*³⁴

³⁴ Existing Standard from C-1 and subdistrict B of C-2 and C-3

10-(2)(B)(d)(iv) Airport Protection Overlay (APO)

10-(2)(B)(d)(iv)(A). *SCOPE, AUTHORITY, TITLE*

Scope, Authority:

1. This article is applicable to the area surrounding the Gallup-McKinley County Airport, the central location of which is located at longitude 108° 47' 21.5" N, latitude 35° 30' 39.8" W. These regulations divide the airport area into sub-zones, specify the land uses permitted, and regulate and restrict the height to which structures and trees may be erected or allowed to grow, and impose other restrictions and requirements necessary for the safety of operations at the airport.
2. This regulation constitutes an overlay zone district. The requirements of the underlying zoning still apply.
3. The airport approach plan has been formulated and adopted by the City of Gallup City Council.
4. The authority for the airport zoning article is New Mexico Statutes Annotated 1978 sections 3-39-16 to 3-39-26 Municipal Airport Zoning Law.
5. Conflicts: Where there exists a conflict between any of the regulations and limitations prescribed herein and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern and prevail. (Ord. C99-5, 9-28-1999)

Short Title: This article shall be known and may be cited as the GALLUP-MCKINLEY COUNTY AIRPORT OVERLAY ZONING ARTICLE.

10-(2)(B)(d)(iv)(B). 10-3(C) AIRPORT ZONE AND SUBAREAS

The Gallup-McKinley County Airport Overlay Zoning Article establishes six areas and subzones that are subject to land use restrictions and additional regulations. These areas include:

1. Airport Zone
2. Primary Surface Area
3. Approach Surface Area
4. Transition Surface Area

5. Horizontal Surface Area
6. Conical Surface Area

These areas are shown on the Gallup-McKinley County Airport overlay zoning map. The various zones are hereby established and defined as follows:

1. **Airport Zone** refers to the entire property that constitutes the Gallup-McKinley County Airport. All development or structures in the Airport Zone must be submitted to the Federal Aviation Administration (FAA) for review and approval in accordance with 14 Code of Federal Regulations Part 139 "Safe, Efficient Use, and Preservation of the Navigable Airspace." The development cannot proceed until the FAA has issued a favorable determination. Areas outside of the Airport Zone but within the identified surface areas may be developed but are subject to the regulations and restrictions contained in the Gallup-McKinley County Airport Overlay Zoning Article.
2. **Primary Surface Area** is centered on each runway, is 1,000 feet in width, and extends the length of the runway plus 200 feet past the physical end of each runway. The elevation of the Primary Surface Area is the ground elevation within the Primary Surface Area or the elevation of the closest point of the runway whichever is lower. The Primary Surface Area is entirely contained on the airport property in the Airport Zone.
3. **Approach Surface Areas** are established for each runway end and are based on the type of approach for that runway end. There are four types of approaches to the Gallup-McKinley County Airport: one visual, two non-precision, and one precision approaches. The dimensions and slope of the four types of Approach Surface Zones are described below.
 - a. *A Visual Approach Surface Area does not have a Federal Aviation Administration Instrument Approach Procedure established for that runway end.*
 - b. *A Non-precision Approach Surface Area has a Federal Aviation Administration Non-Precision Instrument Approach Procedure established for that runway end. The non-precision Approach Surface Area are further divided into the following:*

- i. *Instrument Approach Procedures greater than $\frac{3}{4}$ mile*
- ii. *Instrument Approach Procedure as low as $\frac{3}{4}$ miles.*
- c. *A Precision Approach Surface Area has a Federal Aviation Administration Precision Instrument Approach Procedure established for that runway end.*

Approach Surface Area Dimensions:

Visual: The Visual Approach Surface Area is trapezoidal in shape and begins at the end of the Primary Surface Area at the Primary Surface Area width. The Visual Approach Surface Area is 5,000 feet in length and has a final width of 1,500 feet. The initial Visual Approach Surface Area elevation is that of the Primary Surface Area, then rises at a twenty (20) foot horizontally for each one (1) foot vertically the entire length.

Non-Precision Approach Surface Area with Visibility Minimums greater than $\frac{3}{4}$ -mile: this Non-Precision Approach Surface Area is trapezoidal in shape and begins at the end of the Primary Surface Area at the Primary Surface Area width. This Non-Precision Approach Surface Area is 10,000 feet in length and has a final width of 3,500 feet. The initial Non-Precision Approach Surface Area elevation is that of the Primary Surface Area, then rises at a thirty-four (34) foot horizontally for each one (1) foot vertically the entire length.

Non-Precision Approach Surface Area with Visibility Minimums as low as $\frac{3}{4}$ -mile: this Non-Precision Approach Surface Area is trapezoidal in shape and begins at the end of the Primary Surface Area at the Primary Surface Area width. This Non-Precision Approach Surface Area is 10,000 feet in length and has a final width of 4,000 feet. The initial Non-Precision Approach Surface Area elevation is that of the Primary Surface Area, then rises at a thirty-four (34) foot horizontally for each one (1) foot vertically the entire length.

Precision: The Precision Approach Surface Area is trapezoidal in shape and begins at the end of the Primary Surface Area at the Primary Surface Area width. The Precision Approach Surface Area is 50,000 feet in length and has a final width of 16,000 feet. The initial Precision Approach Surface Area elevation is that of the Primary Surface Area, then rises at a fifty (50) foot horizontally for each one

(1) foot vertically for 10,000 feet, then rises at a forty (40) foot horizontally for each one (1) foot vertically for the remaining 40,000 feet.

- 4. **Horizontal Surface Area** is established as 150 feet above the airport elevation as shown on the most recent Federal Aviation Administration Approved Airport Layout Plan. The Horizontal Surface Area is established by connecting arcs of 10,000' for Non-Precision and Precision runways and 5,000 feet for Visual runways measured from the extended runway centerline intersection with the Primary Surface Area. The Horizontal Surface Area excludes the Primary Surface, Transitional Surface, and the Approach Surface Areas.
- 5. **Conical Surface Area** begins at the outer edge of the Horizontal Surface Area, at the Horizontal Surface Area elevation, and extends 4,000 feet horizontally. The Conical Surface Area rises at a twenty (20) foot horizontally for each one (1) foot vertically slope until an elevation 350 feet above the airport elevation is reached. The Conical Surface Area excludes the Approach Surface Areas.
- 6. **Transitional Surface Area** begins at the long edges of the Primary Surface Area, at the Primary Surface Area elevation, extend along the Approach Surface Area at the Approach Surface Area elevation, and rise at a seven (7) foot horizontally for each one (1) foot vertically slope until the Horizontal Surface Area elevation is reached, a nominal horizontal distance of 1,050 feet horizontally. The Transitional Surface Area also extends along the sides of the Approach Surface Area to the point where they intersect the Horizontal Surface or Conical Surface Areas.

10-(2)(B)(d)(iv)(C). Height Limitations

- 1. Except as otherwise provided in this article, no structure, object, or tree shall be erected, altered, allowed to or maintained in any area created by this article to a height in excess of the height limits for each area.
- 2. For the purpose of determining the height limits in all areas set forth in this article and shown on the zoning map, the datum shall be mean sea level unless otherwise specified.

3. Where an area is covered by more than one designation, the more restrictive limitations shall prevail.
4. Height restrictions are as follows:
 - a. *The height of roads shall be the ground elevation plus 17 feet for an Interstate Highway, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road.*
 - b. *The height of railroads will be the ground elevation plus 23 feet.*
 - c. *The height of a linear object (e.g. power lines, fences, traverse way, etc.) will be the height of the supports or highest point between supports of the linear object.*
 - d. *The height of structures is the height of the highest part of the structure, including antennas, chimneys, etc.*

10-(2)(B)(d)(iv)(D). Use Restrictions

1. No use or activity may be made of land within any area established by this article that causes the following:
 - a. *Electrical interference with radio communication between the airport and aircraft*
 - b. *Makes it difficult for flyers to distinguish between airport lights and others*
 - c. *Results in glare in the eyes of flyers using the airport*
 - d. *Impairs visibility in the vicinity of the airport or otherwise endangers the landing, taking off or maneuvering of aircraft.*
2. Other restricted uses and activities include:
 - a. *No construction or establishment of a new municipal solid waste landfill is allowed within six statute miles (31,680 feet) of the airport.*
 - b. *No composting operations within 1,200 feet of any runway.*
 - c. *No construction and demolition (C&D) debris facilities within five statute miles (26,500 feet) of any runway.*
 - d. *No new wastewater treatment facilities or sludge drying within five statute miles (26,500 feet) of any runway.*
 - e. *No agricultural activities within 1,000 feet of any runway.*

3. The Surface Areas may be penetrated and an otherwise restricted use may be allowed if the FAA makes a determination that no hazard is posed by the use.

10-(2)(B)(d)(iv)(E). Federal Requirements

1. 14 Code of Federal Regulations Part 77 "Safe, Efficient Use, and Preservation of the Navigable Airspace" requires the proponent of any development listed below to submit notice of the proposed development to the Federal Aviation Administration for review:
 - a. *Any construction or alteration exceeding 200 feet above ground level*
 - b. *Any construction or alteration within 20,000 feet of a runway which exceeds a (100) foot horizontal to one (1) foot vertical surface.*
 - c. *When requested by the FAA*

10-(2)(B)(d)(iv)(F). Nonconforming Uses

1. **Definition:** A nonconforming use is any structure, tree or use of land which is lawfully in existence at the time this article becomes effective and does not now meet the requirements of said regulations.
2. **Nonconforming Uses:** The provisions of these regulations shall not apply to any nonconforming use existing on the effective date of the regulations; providing, that when the nonconforming use is discontinued for a period of six (6) months or the nonconforming structure is destroyed or damaged to the extent of over fifty percent (50%) of the assessed valuation of the nonconforming structure, any reuse, reconstruction or replacement shall be deemed a new use and shall be subject to the applicable provisions of these regulations.
3. **Regulations Not Retroactive:** This article shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date thereof, or otherwise interfere with the continuance of any nonconforming use. No change in the construction, alteration, or intended use of any structure is required is the nonconforming

activity has remained in regular use (i.e. no discontinued use of greater than six months).

4. **Marking and Lighting:** Notwithstanding subsection 10-4G-7 B, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the FAA and/or governing body to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the City.
5. The City may, at the City's expense, remove, relocate, or lower any non-conforming use that penetrates any of the areas described.

10-(2)(B)(d)(v) Permits Required; Exceptions

1. **Future Uses:** No material change shall be made in the use of the land and no structure or tree shall be erected, altered, planted, allowed to grow to penetrate the surface areas established in the Airport Overlay Article unless a permit has been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulation herein prescribed. If determination is in the affirmative, the permit shall be granted. Permits shall not be granted for any construction, alteration, or growth of any structure or tree in excess of any of the height limits as set forth in **sections 10-4G-3 and 10-4G-4 of this article.**
2. **Existing Uses:** No permit shall be granted that would allow the establishment or creation of an airport hazard, permit a nonconforming use, or allow an existing structure or tree to violate height restrictions or become a greater hazard to air navigation than it was on the effective date of these regulations or any amendment thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. **Nonconforming Uses Abandoned or Destroyed:** Whenever the governing body determines that a nonconforming structure or tree

has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this article.

4. **Variances:** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with these regulations within City limits, may apply to the City of Gallup Planning and Zoning Commission for variance from such regulations. Such variances may be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of these regulations.

Proponents of variance requests shall comply with notification to the Federal Aviation Administration in accordance with 14 Code of Federal Regulations Part 139 "Safe, Efficient Use, and Preservation of the Navigable Airspace." A variance shall not be granted if the Federal Aviation Administration determines the proposed action is a hazard to navigation or will result in a restriction that will negatively impact the airport.

5. **Hazard Marking and Lighting:** Any permit or variance granted may, if such action is deemed advisable to effectuate the purposes of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the city, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

10-(2)(B)(d)(v)(A). *Administration*

It shall be the duty of the building inspector of the city to administer and enforce the regulations prescribed herein.

10-(2)(B)(d)(v)(B). Judicial Review

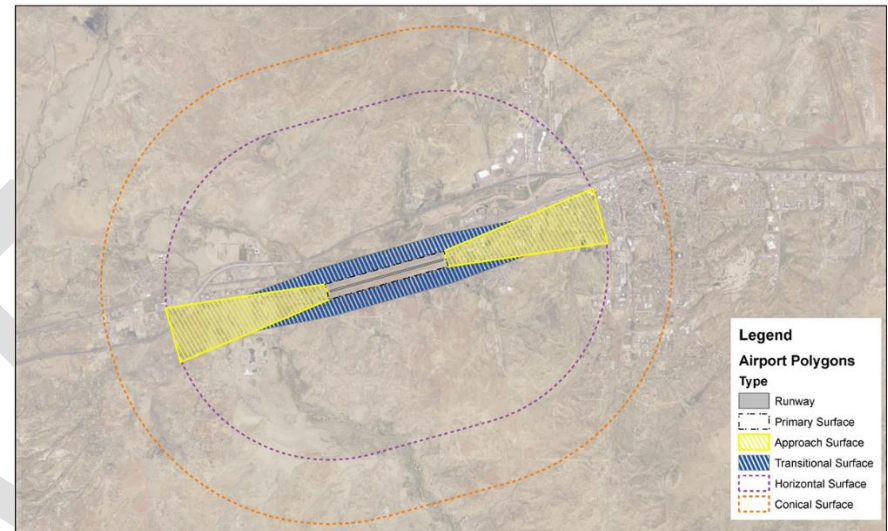
Judicial review may be had as provided in, under and pursuant to New Mexico Statutes Annotated, 1978 compilation, section 3-39-23.

10-(2)(B)(d)(v)(C). Violations

Each violation of this article or of any regulation, order or ruling promulgated or made pursuant to this article or New Mexico Statutes Annotated, 1978 compilation, section 3-39-24 shall be deemed guilty of a misdemeanor; each day of violation constitutes a separate offense.

10-(2)(B)(d)(v)(D). Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed herein and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

10-(2)(B)(d)(v)(E). Airport Approach Map

10-(2)(B)(d)(vi) Floodplain Protection Overlay (FPO)

10-(2)(B)(d)(vi)(A). STATUTORY AUTHORIZATION

The legislature of the state of New Mexico has in New Mexico Statutes Annotated subsection 14-20-3(2), 1953, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council of the city of Gallup, New Mexico, does ordain as follows:

1. Findings of Fact:

- a. *The flood hazard areas of the city of Gallup, New Mexico, are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.*
- b. *These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.*

2. Statement of Purpose: It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- c. *Protect human life and health;*
- d. *Minimize expenditure of public money for costly flood control projects;*
- e. *Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;*
- f. *Minimize prolonged business interruptions;*
- g. *Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;*

- h. *Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and*
- i. *Ensure that potential buyers are notified that property is in a flood area.*

3. Methods of Reducing Flood Losses: In order to accomplish its purposes, this article uses the following methods:

- j. *Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;*
- k. *Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;*
- l. *Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;*
- m. *Control filling, grading, dredging and other development which may increase flood damage;*
- n. *Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands. (Ord. 2010-3, 3-23-2010)*

10-(2)(B)(d)(vi)(B). 10-4(C) GENERAL PROVISIONS

4. **Lands to Which Article Applies:** This article shall apply to all areas of special flood hazard within the jurisdiction of the city of Gallup, New Mexico.
5. **Basis For Establishing The Areas Of Special Flood Hazard:** The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study For McKinley County, New Mexico And Incorporated Areas" dated February 17, 2010, with accompanying flood insurance rate maps (FIRMs) and any revisions thereto are hereby adapted by reference and declared to be a part of this ordinance.

6. **Establishment of Development Permit:** A floodplain development permit shall be required to ensure conformance with the provisions of this article.
7. **Compliance:** No structure or land shall hereafter be located, altered, or have its use changed within the area of special flood hazard without full compliance with the terms of this article and other applicable regulations. Nothing herein shall prevent the Gallup City Council from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Nation Flood Insurance Program.
8. **Abrogation and Greater Restrictions:** This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another article, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
9. **Interpretation:** In the interpretation and application of this article, all provisions shall be:
 - o. *Considered as minimum requirements.*
 - p. *Liberally construed in favor of the governing body.*
 - q. *Deemed neither to limit nor repeal any other powers granted under state statutes.*
10. **Warning and Disclaimer of Liability:** The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder. (Ord. 2010-3, 3-23-2010)
11. **Severability:** This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or

any portion thereof other than the section so declared to be unconstitutional or invalid.

10-(2)(B)(d)(vi)(C). 10-4(D) ADMINISTRATION

12. **Designation of The Floodplain Administrator:** The city manager or his designee is hereby appointed the floodplain administrator to administer, implement and enforce the provisions of this article and other appropriate sections of 44 CFR (emergency management and assistance - national flood insurance program regulations) pertaining to floodplain management.
13. **Duties and Responsibilities of The Floodplain Administrator:** Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
 - r. *Maintain and hold open for public inspection all records pertaining to the provisions of this article, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certification required by Article 10-44-4, Section C.*
 - s. *Review floodplain development permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding. These Areas of Special Flood Hazard identified by the FIS and attendant mapping are the minimum area of applicability of this article and may be supplemented by studies designated and approved by the Gallup City Council. The Floodplain Administrator shall keep a copy of the FIS, DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.*
 - t. *Review, approve or deny all applications for development permits required by adoption of this article.*
 - u. *Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the federal water pollution control act amendments of 1972, 33 USC 1334) from which prior approval is required.*

- v. *Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.*
- w. *Notify, in riverine situations, adjacent communities and the state coordinating agency which is New Mexico department of homeland security and emergency management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.*
- x. *Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.*
- y. *When base flood elevation data has not been provided in accordance with subsection 10-4H-3B of this article, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of section 10-4H-5 of this article.*
- z. *When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.*
- aa. *Under the provisions of 44 CFR chapter 1, section 65.12 of the national flood insurance program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot (1'), provided that the community first completes all of the provisions required by section 65.12.*

- bb. *Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this article, including proper elevation of the structure.*

14. Permit Procedures:

- cc. *Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:*
 - i. *Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;*
 - ii. *Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;*
 - iii. *A certificate from a registered New Mexico professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 10-4H-5B2 of this article;*
 - iv. *Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;*
 - v. *Maintain a record of all such information in accordance with subsection B1 of this section;*
- dd. *Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:*
 - i. *The danger to life and property due to flooding or erosion damage;*
 - ii. *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;*

- iii. *The danger that materials may be swept onto other lands to the injury of others;*
- iv. *The compatibility of the proposed use with existing and anticipated development;*
- v. *The safety of access to the property in times of flood for ordinary and emergency vehicles;*
- vi. *The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;*
- vii. *The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;*
- viii. *The necessity to the facility of a waterfront location, where applicable;*
- ix. *The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.*
- x. *The relationship of the proposed use to the comprehensive plan for that area.*

15. Variance Procedures

- ee. *The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article.*
- ff. *The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.*
- gg. *Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.*
- hh. *The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.*
- ii. *Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without*

regard to the procedures set forth in the remainder of this article.

- jj. *Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection C2 of this section have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.*
- kk. *Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article (subsections 10-4H-1B and C of this article).*
- ll. *Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.*
- mm. *Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.*
- nn. *Prerequisites for granting variances:*
 - i. *Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*
 - ii. *Variances shall only be issued upon:*
 - 1. *Showing a good and sufficient cause;*
 - 2. *A determination that failure to grant the variance would result in exceptional hardship to the applicant, and*
 - 3. *A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create*

nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or articles.

- iii. *Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.*

- oo. *Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that: a) the criteria outlined in subsections D1 through D9 of this section are met, and b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Ord. 2010-3, 3-23-2010)*

16. Penalties for Noncompliance:

- pp. *No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city of Gallup, New Mexico, from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 2010-3, 3-23-2010)*

10-(2)(B)(d)(vi)(D). PROVISIONS FOR FLOOD HAZARD REDUCTION

- 17. **General Standards:** In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- qq. *All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;*
- rr. *All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;*
- ss. *All new construction or substantial improvements shall be constructed with materials resistant to flood damage;*
- tt. *All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;*
- uu. *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;*
- vv. *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and*
- ww. *On site waste disposal systems, shall be located to avoid impairment to them or contamination from them during flooding.*

- 18. **Specific Standards:** In all areas of special flood hazards where base flood elevation data has been provided as set forth in subsections 10-4H-3B and 10-4H-4B8 of this article, and subsection C3 of this section, the following provisions are required:

- xx. **Residential Construction:** New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in subsection 10-4H-4C1a of this article, is satisfied.
- yy. **Nonresidential Construction:** New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- zz. **Enclosures:** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - i. A minimum of two (2) openings on separate walls having a total net area of not less than one square inch for every

square foot of enclosed area subject to flooding shall be provided.

- ii. The bottom of all openings shall be no higher than one foot (1') above grade.
- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

aaa. **Manufactured Homes:**

- i. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- ii. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites: 1) outside of a manufactured home park or subdivision, 2) in a new manufactured home park or subdivision, 3) in an expansion to an existing manufactured home park or subdivision, or 4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- iii. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not

subject to the provisions of this subsection B4 be elevated so that either:

1. The lowest floor of the manufactured home is at or above the base flood elevation, or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

bbb. **Recreational Vehicles:** Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either: a) be on the site for fewer than one hundred eighty (180) consecutive days, or b) be fully licensed and ready for highway use, or c) meet the permit requirements of subsection 10-4H-4C1 of this article, and the elevation and anchoring requirements for "manufactured homes" in subsection B4 of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

19. Standards for Subdivision Proposals:

- ccc. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with subsections 10-4H-1B and C of this article.
- ddd. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of subsections 10-4H-3C and 10-4H-4C of this article and the provisions of this section.
- eee. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which are greater than fifty (50) lots or five (5) acres, whichever is

lesser, if not otherwise provided pursuant to subsection 10-4H-3B or 10-4H-4B8 of this article.

- fff. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- ggg. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

20. **Standards for Areas of Shallow Flooding (AO/AH Zones):** Located within the areas of special flood hazard established in subsection 10-4H-3B of this article, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
- hhh. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
- iii. All new construction and substantial improvements of nonresidential structures:
- i. Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or
 - ii. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural

components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

jjj. *A professional engineer or architect registered with the state of New Mexico shall submit a certification to the floodplain administrator that the standards of this section, as proposed in subsection 10-4H-4C of this article are satisfied.*

kkk. *Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.*

21. Floodways: Floodways located within areas of special flood hazard established in **subsection 10-4H-3B** of this article, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

lll. *Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.*

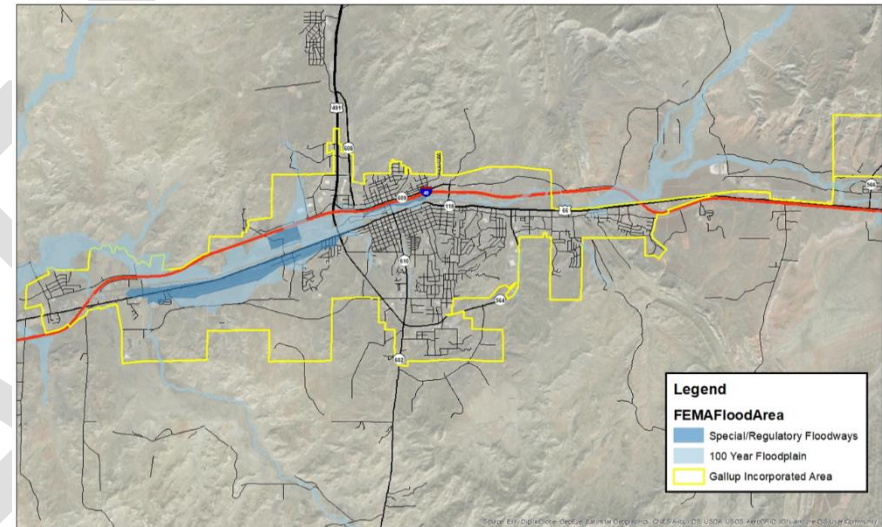
mmm. *If subsection E1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.*

nnn. *Under the provisions of 44 CFR chapter 1, section 65.12 of the national flood insurance program regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by **section 65.12**.*

22. **Severability:** If any section, clause, sentence, or phrase of this article is held to be invalid or unconstitutional by any court of competent

jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this article

10-(2)(B)(d)(vi)(E). FEMA FLOODPLAIN MAP



10-3- USE REGULATIONS

10-3(A) GENERAL PROVISIONS

1. Principal Uses identify uses allowed as the primary use in each zone district. Some principle uses have use specific standards that further define how uses can be conducted. If use specific standards are in place, they are indicated in the 'supplemental use standards' column.
2. Accessory Uses identify uses commonly allowed as secondary to principal use, some of which have applicable use specific standards.
3. Temporary Uses identify uses allowed on a temporary basis. Use specific standards apply to some of the Temporary Uses, which are identified in the 'supplemental use standards' column.

10-3(B) PURPOSE

1. The purpose of this Article is to authorize the establishment and continuation of land uses that are allowed as the principle uses, accessory and/or temporary uses of a lot.
2. *Figure 10-3-1: USE TABLE*, lists the uses allowed within all base zoning districts.

10-3(C) EXPLANATION OF TABLE ABBREVIATIONS

1. Table 10-4B-5a, Use Table, uses the following abbreviations to designate whether and how a principal use is allowed in a particular zone:

P	A "P" in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Code, including the
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supplemental use standards in this article and the requirements of Article X, Development Standards.

C

A "C" indicates that the land use is allowed in that zoning district upon approval of a Conditional Use by the Planning Board as described in Article X, Administration and Procedures and compliance with any use-specific standards referenced in the right hand column of the table and with all other applicable requirements of the Code.

A

An "A" indicates that the use is Accessory (i.e. allowed as an accessory use compatible with a Permissive or Conditional use on the lot), and is subject to any Use-specific Standards referenced in the right-hand column of that line of the table.

AC

A "AC" in a cell indicates an accessory use allowed only after the applicant obtains a Conditional Use Approval pursuant to Subsection X.X and is subject to any Use-specific Standards referenced in the right-hand column of that line the table.

A blank cell indicates that the use is prohibited in the respective zoning district.

10-3(D) USE TABLE

Figure 10-3-1: USE TABLE												
P = Permissive; C = Conditional; A = Accessory; AC = Accessory Conditional (requires permit)												
	NEW Zone Districts >	RR	SFR	MFR	MFR	MFR	MHP	MXN	MXC	GC	HC	IND
Use Categories v	Existing Zone Districts >	RR	SFR	MFR	MFR	MFR	MHP	MXN	MXC	GC	HC	IND
	Use Types v	RR	SFR	MFR	MFR	MFR	MHP	MXN	MXC	GC	HC	IND
Household Living	Dwelling, Single-family detached	P	P		P			P				10-(3)(G)(a)(i)
	Dwelling, Two-family attached (duplex) ³⁵			P	P	P	C	P				10-(3)(G)(a)(v) ³⁶
	Dwelling, Cluster Development ³⁷	P	P	P	P			P ³⁸				10-(3)(G)(a)(iii)
	Dwelling, Co-housing Development ³⁹	P	P	P	P			P ⁴⁰				10-(3)(G)(a)(iv)
	Dwelling, Townhouse ⁴¹		C ⁴²	P	P	P		P ⁴³				10-(3)(G)(a)(vi)
	Dwelling, Live-Work ⁴⁴					P		P	P			10-(3)(G)(a)(vii)
	Dwelling, Multi-family				P	P		P ⁴⁵	P			
	Dwelling, Mobile Home						P					10-(3)(G)(a)(ii)
Group Living	Elderly Housing, Assisted Living Facility ⁴⁶	C	C	C	P	P		P	P	P	P	
	Convent or Monastery ⁴⁷	P				P		P	P			
	Fraternity or Sorority ⁴⁸				P	P		P	P	C	C	
	Community Residential Facility ⁴⁹	P	P	P	P	P	P	P	P	P	P	10-(3)(G)(a)(viii)
	Emergency and Protective Shelter ⁵¹			C	C	C	P	P	P	P	P	10-(3)(G)(a)(ix)
	Halfway House or Recovery Home ⁵²				C ⁵⁴	C	C	P	P	P	C	10-(3)(G)(a)(x) ⁵⁵
Civic & Institutional	Cemetery	C							C ⁵⁶	C		

³⁵ Directed by steering committed to delete as permissive in RR, SFR

³⁶ Use specific standards are a combination of existing standards (10-4D-2M), and new standards to control the outwardly appearance of the duplex so that the structure is compatible with other dwellings in the neighborhood.

³⁷ New use, new use specific standard

³⁸ Directed by steering committed to add as permissive in MXN

³⁹ New use, new use specific standard

⁴⁰ Directed by steering committed to add as permissive in MXN

⁴¹ New use, new use specific standard

⁴² Consider adding use specific standards to control design in SFR, 'Patio Home' so design of co-housing will conform with surrounding neighborhoods

⁴³ Initially permissive in Rm-4 and R-5 and now permissive in MXN

⁴⁴ New Use called for in the Growth Management Plan

⁴⁵ Initially permissive in RM-5 now permissive in MXN

⁴⁶ Replaces "Nursing Homes"

⁴⁷ Replaces "Religious monasteries, convents and retreat centers"

⁴⁸ Replaces "Fraternity, sorority houses, boarding homes, and congregate living facilities"

⁴⁹ Includes or replaces "Institutions for the mentally ill", "Childcare home", "Group Home"

⁵⁰ Revised to clarify use, includes persons that are protected under the federal Fair Housing Act

⁵¹ New Use

⁵² Replaces "Recovery Home"

⁵³ Revised to clarify use, does not includes persons that are protected under the federal Fair Housing Act

⁵⁴ New conditional use in MFRH, as this is a new zone district

⁵⁵ New use specific standard to reflect national best practices.

⁵⁶ Directed by steering committee to add as permissive in GC and HC, conditional uses in SFR, MFRM, MFRH and MXN deleted

Figure 10-3-1: USE TABLE												
P = Permissive; C = Conditional; A = Accessory; AC = Accessory Conditional (requires permit)												
	NEW Zone Districts >	RR	SFR	MFRL	MFRL	MFRL	MFRL	MXN	MXC	GC	HC	IND
Uses	Community / Recreation Center ⁵⁷	P	C	P ⁵⁸	P	P	P	P	P			
	Correctional Facility ⁵⁹									C	C	
	Day Care Center ⁶⁰ , (>7)	C ⁶¹	C	C	C	C	C	C	C	C	C	10-(3)(H)(a)(i)
	Educational Facility, Training Center ⁶²	C						C	P	P	P	
	Educational Facility, Post-Secondary ⁶³	C						C	P	P	P	
	Educational Facility, Primary / Secondary ⁶⁴	C	C	C	C	C	C	C	P	P	P	10-(3)(H)(a)(iii)
	Public Safety Facilities, Substation ⁶⁵	P	P	P	P	P	P	P	P	P	P ⁶⁶	
	Public Safety Facilities, Major ⁶⁷									P	P	P
	Hospital ⁶⁸							C	P	P	P	10-(3)(H)(a)(ii)
	Library or Museum ⁶⁹							P ⁷⁰	P	P	P	
	Parks and Open Space ⁷¹	P	P	P ⁷²	P	P	P	P	P			
	Religious Institution ⁷³	P	C	P	P	P	P	P	P	P	P ⁷⁴	10-(3)(H)(a)(iv)
Agriculture Uses	Agriculture, General ⁷⁵	P										10-(3)(I)(a)(i)
	Agriculture, Livestock ⁷⁶	AC										10-(3)(I)(b)

⁵⁷ Replaces "Community service clubs and lodges"

⁵⁸ Directed by steering committee to add as permissive in RR and MFRL

⁵⁹ Replaces "Penal detention centers"

⁶⁰ Replaces "Daycare nurseries or preschools"

⁶¹ Directed by steering committee to changed to conditional in all zone categories

⁶² Includes and/or replaces "School for instruction in art, dance, modeling, business and vocational trade (except those teaching vehicle, heavy equipment or machinery repair, welding, bodywork and the like), private", "Automobile driving schools"

⁶³ Replaces "Vocational schools teaching industrial trades, vehicle or heavy equipment repair and the like P Wireless"

⁶⁴ Replaces "Schools for elementary, secondary and postsecondary education, private"

⁶⁵ New Use

⁶⁶ Directed by steering committee to add as permissive in GC, HC and IND

⁶⁷ New Use

⁶⁸ Hospital has been removed as conditional use from Residential Zone Districts to prevent adverse impacts on residential uses. A new use category 'medical or dental clinic' has been added to permit smaller health care facilities in use zone districts.

⁶⁹ Includes and/or replaces "Libraries, private", "Museums, private"

⁷⁰ Directed by steering committee to add as permissive in MFRL

⁷¹ Includes and/or replaces "Parks and common recreational areas", "Parks and recreational areas serving a specific residential neighborhood or development and which are also noncommercial in nature"

⁷² Directed by steering committee to add as permissive in MXN

⁷³ Replaces "Churches and similar places of religious worship and instruction"

⁷⁴ Directed by steering committee to add as permissive in all zone districts.

⁷⁵ Includes and/or replaces "Agriculture operations including the production of crops and horticulture specialties, the raising of livestock and poultry, beekeeping, aviaries, worm raising and fish culture, but excluding hog and poultry farms, livestock feedlots and dairies and dairy products", "Agricultural processing, packaging, storage and sale of agricultural products which are raised on the premises (although sales shall be permitted only from structures on private property conforming to all applicable codes or regulations), but excluding commercial animal slaughterhouses"

⁷⁶ Includes and/or replaces "Keeping of large animals in accordance with subsection I3 of this section", "Livestock yards, auction", "Hog farms (minimum site size of 5 acres)", "Livestock feedlots (minimum site size of 5 acres)"

Figure 10-3-1: USE TABLE												
P = Permissive; C = Conditional; A = Accessory; AC = Accessory Conditional (requires permit)												
	NEW Zone Districts >	RR	SFR	MFR	MFR	MFR	MHP	MXN	MXC	GC	HC	IND
	Community garden ⁷⁷	P	C ⁷⁸	P	P	P	P	P	P	C	C	C
	Equestrian facilities ⁷⁹	P										10-(3)(l)(b)(i)
Animal Care Uses	Kennel	C								P	P	10-(3)(l)(b)(ii)
	Veterinary Hospital or Clinic ⁸⁰							P	P	P		10-(3)(l)(b)(iii)
	Other Pet Services ⁸¹	C					C ⁸²	P	P	P	C	
Food And Beverage	Restaurant, Small (<3K)						P ⁸³	P	P	P		10-(3)(l)(c)(ii)
	Restaurant, Large (>3K)							P	P	P		10-(3)(l)(c)(ii)
	Liquor Sales, off premise ⁸⁴								P	P		10-(3)(l)(c)(i) ⁸⁵
	Tap Room/Tasting Room ⁸⁶	C ⁸⁷						C	P	P	P	
	Adult Entertainment										C	10-(3)(l)(d)(i)
Recreation and Entertainment	Auditorium or Theater						C ⁸⁸	P	P	P		
	Golf Course	C ⁸⁹	C	C	C	C						10-(3)(l)(d)(iv)
	Health Club or Gym ⁹⁰						C ⁹¹	P	P	P	P	
	Indoor Entertainment Venue ⁹²							P ⁹³	P	P	C ⁹⁴	10-(3)(K)(c) ⁹⁵
	Recreation Facility, indoor ⁹⁶							P	P	P	P	10-(3)(l)(d)(iii)
	Recreation Facility, outdoor ⁹⁷	C						C	P	P		10-(3)(l)(d)(iii)
	Shooting Range ⁹⁸	C ⁹⁹									C	10-(3)(l)(g)(i)
	Zoological Park										C	C

⁷⁷ New Use⁷⁸ Directed by steering committee to make conditional in SFR⁷⁹ Replaces "Horse riding stables"⁸⁰ Replaces "Animal hospitals"⁸¹ New Use⁸² Directed by steering committee to make conditional in MXN, MXN and permissive in IND⁸³ Currently allowed conditionally recommended to be allowed permissible, provided the use complies with the use specific standards.⁸⁴ New Use to accommodate state separation requirements⁸⁵ New use specific standards to address State requirements⁸⁶ New Use⁸⁷ Directed by steering committee to make conditional in RR⁸⁸ Directed by steering committee to make conditional in MXN⁸⁹ Directed by steering committee to make conditional in RR, MFRL and MFRH, deleted in GC, HC and IND⁹⁰ Includes and/or replaces "Physical culture, health spas", "Baths/saunas/massage establishments"⁹¹ Directed by steering committee to make conditional in MXN⁹² Replaces "Social nightclubs"⁹³ Initially permissive in C2, now Permissive in MXC⁹⁴ Directed by steering committee to consider making this use conditional in IND⁹⁵ Carries over the provisions for what was formerly called social nightclubs.⁹⁶ Includes and/or replaces "Pool and billiard halls", "Martial arts training centers", "Skating rinks (indoor)", "Game rooms", "Bowling Alley"⁹⁷ Includes and/or replaces "Amusement parks, permanent and/or temporary (outdoor)", "Speedways, racetracks, motorized vehicle motocross courses, model airplane flying courses, parachute skydiving landing areas, hang glider takeoff and landing areas, hot air balloon flying, launching and landing areas"⁹⁸ Replaces "Recreational clubs and areas with the outdoor use of weaponry"⁹⁹ Directed by steering committee to make conditional in RR

Figure 10-3-1: USE TABLE												
P = Permissive; C = Conditional; A = Accessory; AC = Accessory Conditional (requires permit)												
	NEW Zone Districts >	RR	SFR	MFR	MFR	MFR	MHP	MXN	MXC	GC	HC	IND
	Bed and Breakfast	AC ¹⁰⁰		AC	AC	AC		C	C ¹⁰¹			
Lodging	Boarding House				C	C		C	C	C	C	C
	Campground or Recreational Vehicle Park	C							C	C	C ¹⁰²	
	Hotel or Motel								P	P	P	
	Short-Term Rental ¹⁰³	AC	AC	AC	AC	AC	AC	AC	AC			
Motor Vehicle-Related	Car wash ¹⁰⁵ , Small (<4 ¹⁰⁶ bays)						C	C	P			
	Car wash, Large (>7 bays)								P	P		
	Light Vehicle and Equipment Sales, Rental, and Repair/Service ¹⁰⁷							P	P			
	Heavy Vehicle and Equipment Sales, Rental, and Repair/Service ¹⁰⁸								C	P		
	Parking Lot, Commercial			A	A	A		A	P	P		
	Parking Structure, Commercial			A	A	A		P	P	P		
	Construction Contractor Facility and Yard ¹⁰⁹								C ¹¹⁰	P	P	
	Business Incubator							C	P	P	P	
Offices and Services	Club or Event Facility ¹¹¹								P	P	P	
	Medical or Dental Clinic ¹¹²							P	P	P	P	
	Design, Creative and High Technology ¹¹³								P	P	P	
	Financial Institutions								P	P	P	
	Funeral Home or Mortuary							C	C	P	P	
	Office, Business or Professional							C	P	P	P	

¹⁰⁰ Directed by steering committee to make accessory conditional in RR, deleted in MHP

¹⁰¹ Use was not permissive in this zone before. Now conditional to allow a mix of uses in the mixed-use zone.

¹⁰² Directed by steering committee to make conditional in IND and GC

¹⁰³ New use

¹⁰⁴ New use specific standards to control the use, location and duration

¹⁰⁵ New Use

¹⁰⁶ Directed by steering committee to increase from 3 to 4 bays

¹⁰⁷ Includes and replaces "Automobile service stations", "Automobile/truck vehicle sales and servicing", "Automobile/truck tire sales and servicing", "Automobile/truck body & painting shops", "Automobile/truck upholstery repair", "Automobile/truck servicing and mechanical repair", "Recreational vehicles/shelters sales and servicing", "Automobile/truck/trailer rental agencies", "Automobile/truck tire sales and servicing"

¹⁰⁸ Includes and replaces "Agricultural heavy equipment/vehicles sales, rental and servicing", "Sales, storage, repair and rental of tractors, heavy trucks, agricultural and construction heavy vehicles and equipment", "Construction heavy equipment/vehicles, sales, rental and servicing (with aboveground fuel storage)"

¹⁰⁹ Replaces "Building contractors outdoor storage yards"

¹¹⁰ Directed by steering committee to make conditional in GC and permissive in HC and IND

¹¹¹ Includes and replaces "private clubs (excluding outdoor use of weaponry and racing tracks, courses for motorized vehicles and model airplanes)", "Recreation Clubs", "Recreational private clubs and areas"

¹¹² Added to allow smaller healthcare services in mixed use and commercial districts.

¹¹³ New use based on steering committee comments

Figure 10-3-1: USE TABLE												
P = Permissive; C = Conditional; A = Accessory; AC = Accessory Conditional (requires permit)												
	NEW Zone Districts >	RR	SFR	MFR	MFR	MFR	MHP	MXN	MXC	GC	HC	IND
	Personal Services ¹¹⁴							P	P	P	P	
	Self-Storage ¹¹⁵								C	P	P ¹¹⁶	P ¹¹⁷
	Adult Retail ¹¹⁸								P	P	P	P
Retail Sales	Greenhouse or Plant Nursery ¹¹⁹	P								P ¹²⁰	P	P
	Retail Kiosk ¹²¹								C	P	P	
	Retail Sales ¹²³ , Convenience (≥XK)							P	P	P	P ¹²⁴	P ¹²⁵
	Retail Sales ¹²⁷ , General (X-XK)								P	P	P ¹²⁸	P ¹²⁹
	Retail Sales, Heavy ¹³⁰ (≤ XK)									P	C	
	Planned Shopping Center ¹³¹									P	P	
	Manufacturing, Artisan ¹³²							C	C	P	P	P
Manufacturing,	Manufacturing, Light ¹³³									C	P	P

¹¹⁴ Includes and replaces various uses from the “Retail Sales And Services (Convenience Type)” and “Retail Sales And Services (Light)” categories, including but not limited to:

“Locksmiths”, “Handicraft articles, sales and repair”, “Photographic film processing drop off centers”, “Photography equipment and supplies, sales and servicing”, “Movie film and videotape loan stores”, “Musical instruments, suppliers and recordings, sales and servicing”, “Pawn shops”, “Dressmaking stops, custom”, “Photographer studios”, “Picture framing services”, “Precision instruments, sales and repair”, “Shoe and leather goods, sales and repair”, “Watch and jewelry stores, sales and repair”, “Audio/video equipment sales and servicing”, “Barber and beauty shops”, “Bicycle sales and repair”, “Heating and air conditioning equipment, sales and servicing”, “Household appliances and furnishings, sales and servicing”.

¹¹⁵ Replaces “Mini-warehouse”, which isn’t currently listed in any of the Use Tables, but has use specific provisions.

¹¹⁶ Was conditional, now permissive

¹¹⁷ Was not allowed in this district, now permissive

¹¹⁸ Replaces “Adult Bookstore, Adult Novelty Store or Adult Video Store”

¹¹⁹ Replaces “Plant nurseries (including greenhouses), retail and wholesale”

¹²⁰ Directed by steering committee to make permissive in GC and IND

¹²¹ Use pulled out of the shopping center standards as a separate use type, per city staff request. New use specific standard created from the standards for retail kiosks found in the current PSC district standards.

¹²² New use specific standard created from the standards for retail kiosks found in the current PSC district standards.

¹²³ Includes and replaces “Retail Sales and Services (Convenience Type)” and the many, specific/individual uses categories under these larger categories, many of which are outdated.

Retail is proposed to be regulated by size going forward, as is a national best practice. The appropriate size requirements will be determined during the drafting of Module 2, Development Standards.

¹²⁴ Not permissive currently, now permissive use

¹²⁵ Not permissive currently, now permissive use

¹²⁶ Added use specific standards to assign size requirements

¹²⁷ Includes and replaces “Retail Sales and Services (Light)” and the many, specific/individual uses categories under these larger categories, many of which are outdated. Retail is proposed to be regulated by size going forward, as is a national best practice. The appropriate size requirements will be determined during the drafting of Module 2, Development Standards.

¹²⁸ New permitted use in C-3 to allow small retail to serve this district

¹²⁹ New permitted use in IP to allow small retail to serve this district

¹³⁰ Includes and replaces “Repair Sales and Services (Heavy)” and the many, specific/individual uses categories under these larger categories, many of which are outdated. Retail is proposed to be regulated by size going forward, as is a national best practice. The appropriate size requirements will be determined during the drafting of Module 2, Development Standards.

¹³¹ The existing PSC district is recommended to be removed as an independent base district and replaced with a “planned shopping center” use type that carries over the existing district standards from Section 10-4B-2A4, as revised for clarity.

¹³² New Use

¹³³ Includes and replaces all operations covered under the “Manufacturing Uses (Light)” category, instead of listing the possible types of operations it defines Light Manufacturing as anything that occurs within an enclosed building designed to prevent adverse impacts from being detected beyond the boundaries of the property impacts from being detected beyond the boundaries of the property, this is based on national best practice.

Figure 10-3-1: USE TABLE													
P = Permissive; C = Conditional; A = Accessory; AC = Accessory Conditional (requires permit)													
	NEW Zone Districts >	RR	SFR	MFR	MFR	MFR	WHP	MXN	MXC	GC	HC	IND	
Production and Extraction	Manufacturing, Heavy ¹³⁴											C	10-(3)(J)(a)(iii)
	Manufacturing, Special											C	10-(3)(J)(a)(iv)
	Natural Resource Extraction ¹³⁵	C										C	10-(3)(J)(a)(v)
	Recycling Facility									P	P	C	
Waste and Salvage	Solid Waste Facility ¹³⁶											C	
	Salvage, demolition and junkyards											C	10-(3)(J)(a)(vi)
	Warehousing, Wholesale, and Distribution										P	C	10-(3)(J)(a)(vii)
Wholesaling and Storage	Airport ¹³⁷	C									C ¹³⁸	C	
Transportation	Freight Transfer Terminals										C	P	
	Rail Yard										C ¹³⁹	P	
	Train Station										C	P ¹⁴⁰	
	Transit Stations								C ¹⁴¹	C	P	P	
	Truck Stop ¹⁴²											C	P
	Utilities, major ¹⁴³	P	C	C	C	C	C	C	C	C	P	P	
Telecommunication s And Utilities Uses	Utilities, minor ¹⁴⁴	P	P	P	P	P	P	P	P	P	P	P	
	Wireless Communications Facility	C						C	C	C	C	C	10-4D-3M
	Antenna, non-commercial ¹⁴⁵	P	P	P	P	P	C	C	C	P	P		10-(3)(K)(a)
Accessory Uses	Automobile Fuel Pumps ¹⁴⁶	C	C	C	C	C		C	C	C	P	P	10-(3)(K)(b)
	Bars or Nightclubs								P	P	P		
	Community/Business Amenity ¹⁴⁷				P	P	P	P	P	P	P	P	
	Daycare, Home (≥6 children) ¹⁴⁸	P	P	P	P	P	P	P					10-(3)(K)(d)

¹³⁴ Includes and replaces all operations covered under the "Manufacturing Uses (High)" category, instead of listing the possible types of operations it defines Heavy Manufacturing as anything that may occur outside an enclosed building and has greater adverse impacts beyond the boundaries of the property, as national best practice. Development Standards covered in Module 2 will address proper mitigations of these impacts.

¹³⁵ Replaces "Mining, gas, oil and soils extraction"

¹³⁶ Replaces "Garbage, offal or dead animals, reduction or disposal"

¹³⁷ Replaces "Airplane landing strips and helipads, private"

¹³⁸ Directed by steering committee to make conditional in HC and IND

¹³⁹ Directed by steering committee to make conditional in HC and permissive in IND

¹⁴⁰ Directed by steering committee to make permissive in IND

¹⁴¹ Directed by steering committee to make conditional in MXC and permissive in IND

¹⁴² Includes and replaces "Truck highway stops", "Truck stops and storage"

¹⁴³ Replaces "Public and semipublic utilities", "Utility, region serving transmission, storage or other facilities"

¹⁴⁴ Includes and replaces "Utilities", "Utility, substation or facilities serving immediate neighborhood"

¹⁴⁵ Replaces footnoted reference to "Antenna for noncommercial use exceeding 50 feet above the ground" under the existing Use Tables, height requirement will be picked up in the use-specific standards.

¹⁴⁶ Includes "Automobile gas pumps (accessory use)" and replaces references to fuel pumps in other uses, e.g. "Grocery convenience stores (with automobile gas pumps)"

¹⁴⁷ Includes and replaces "Swimming pool, jacuzzi, bathhouse, tennis court, and similar recreational uses" and "Custodial and common laundry facilities for exclusive park usage" from the footnotes of the residential use table

¹⁴⁸ Includes and replaces "Daycare nursery or preschool serving 5 or more unrelated children on the premises of a recreational complex which is an accessory use to a specific townhouse development (see subsection 104 D2C of this chapter for specific requirements)", "Daycare nursery for six (6) or less children as an accessory use to a single-family dwelling.", "Daycare nursery or preschool as an accessory use to a single-family dwelling"

Figure 10-3-1: USE TABLE													
P = Permissive; C = Conditional; A = Accessory; AC = Accessory Conditional (requires permit)													
	NEW Zone Districts >	RR	SFR	MFR	MFR	MFR	WHP	MXN	MXC	GC	HC	IND	
	Daycare, Center (≤7 children) ¹⁴⁹							P	P	P	P	P	10-(3)(K)(d)
	Dwelling, Accessory Unit ¹⁵⁰	P	P	P	P	P	P	P	P	P	P	P	10-(3)(K)(f)
	Dwelling, Dorms ¹⁵¹	P	P	P	P	P	P	P	P	P	P		
	Accessory Structures ¹⁵²	P	P	P	P	P	P	P	P	P	P	P	10-(3)(K)(e)
	Greenhouse	P	P	P	P	P	P	P	P				
	Home Occupation ¹⁵³	P	P	P	P	P	P	P	P	P			10-(3)(K)(h)
	Large Animal Raising	P											10-(3)(K)(j)
	Office / Sales Area ¹⁵⁴						P		P	P	P	P	
	Outdoor Recreational Vehicle Storage	P	P	P	P								10-(3)(K)(m)
	Outdoor Sales Display Areas ¹⁵⁵								P	P	P		10-(3)(K)(k)
	Outdoor Storage	P	P	P	P	P	P	P				P	10-(3)(K)(l)
	Recycling Depository or Collection Containers				P	P	P	P	P	P	P		10-(3)(K)(n)
	Residential Community Amenity ¹⁵⁶	P	P	P	P	P	P	P	P				
	Wireless Communications Facilities								P	P	P	P	10-(3)(K)(o)
Temporary Uses	Temporary Dwelling	P	P	P	P	P	P	P					10-(3)(L)(c)
	Temporary Garage or yard sale	P	P	P	P	P	P	P	P	P			10-(3)(L)(e)
	Temporary Mobile Vendor Unit							P	P	P	P	P	10-(3)(L)(d)
	Temporary Open Air Market								P	C	C		
	Temporary Storage Yard	P	P	P	P	P	P	P	P	P	P	P	10-(3)(L)(a)
	Temporary Structure	P	P	P	P	P	P	P	P	P	P	P	10-(3)(L)(b)
	Temporary/Seasonal sales or event	C						AC	C	C	AC		10-(3)(L)(f)

¹⁴⁹ Includes and replaces "Daycare nursery or preschool as an accessory use on the premises of a church or similar place of religious worship and instruction"

¹⁵⁰ Includes and replaces footnoted reference to accessory dwelling units under the existing Use Tables, i.e. "Garage apartment, mother-in-law apartment or servant's apartment as an accessory use to a single-family dwelling", "Residential quarters as an accessory use to a church or similar place of religious worship and instruction", "Single-family dwelling (1), or mobile home (1), for a night watchman or caretaker on the premises of a public park and public elementary or high school."

¹⁵¹ Includes and replaces footnoted reference to accessory uses under the existing Use Tables, i.e. "Residential quarters for faculty and students as an accessory use to a school"

¹⁵² Replaces footnoted reference to accessory uses under the existing Use Tables, i.e. "Garage or carport, private", "Storage structures excluding shipping containers manufactured for the transportation of materials by truck, rail or sea"

¹⁵³ Replaces "Home based business"

¹⁵⁴ New use

¹⁵⁵ Replaces footnoted reference to "Outdoor household furniture/decorations with outdoor storage (as accessory use to department store)" under the existing Use Tables

¹⁵⁶ Includes and replaces "Parks and common recreational areas serving the mobile home park which are noncommercial in nature", "Custodial and common laundry facilities as an accessory use to a multiple-family or a townhouse development", "Swimming pool, Jacuzzi, bathhouse, tennis court, and similar recreational uses", "Recreational areas as accessory uses to hotels/motels, institutions, multiple- and single-family dwellings", "Recreational facilities for employees", "Restaurant/cafeteria facilities for employees", "Newsstands for employees"

10-3(E) USE-SPECIFIC STANDARDS

1. The regulations and specifications in this article shall apply in addition to the provisions for a particular zone district and general use provisions of section 10-2-Zone District of this chapter.
2. Where the provisions of this article differ with those of other sections in this chapter, the provisions of this article shall prevail.

10-3(F) GENERAL

1. All uses shall comply with the dimensional standards for the respective base zone district, unless otherwise stated below.

10-3(G) RESIDENTIAL**10-(3)(G)(a) Household Living****10-(3)(G)(a)(i) Dwelling, Single-Family, Detached**

1. Single-family detached dwellings shall have a separate entrance facing a street frontage.
2. If the single-family dwelling is a meets the definition of a manufacture home, and the dwelling is not located in the MH zone district, the manufactured home shall meet the following standards:
 - a. *Each manufactured home shall comply with the federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC. Sec. 5401).*
 - b. *Only one manufactured home may be located on a residential lot.*
 - c. *Each manufactured home shall be installed on a permanent foundation meeting the standards of the International*

¹⁵⁷ Current standard from Section 10-4B-1A-6, 10-4B-1D-2

Building Code 2015 or the manufactured home installation code.

- d. *All development standards applicable to other detached single-family dwellings in the zone district where the manufactured home is located shall apply to this use.*

10-(3)(G)(a)(ii) Dwelling, Mobile Home¹⁵⁷

3. This use shall have a minimum lot size of three (3) contiguous acres.
4. This use shall have a minimum building separation for adjoining spaces in the MHP district as established below:
 - a. *A minimum of twenty (20) feet between dwellings, excluding any attached equipment/structure (e.g. carports/garages and porches).*
 - a. *A minimum of twenty five (25) feet between dwellings, including their attached equipment/structure (e.g. carports/garages and porches).*
 - b. *A minimum of twenty five (25) feet between dwellings and common usage buildings.*

10-(3)(G)(a)(iii) Dwelling, Cluster Development¹⁵⁸

1. This use shall have a minimum lot size of one (1) acre.
2. This use shall include open space set aside for common use by the residents. The common open space shall comply with the following provisions:
 - a. *The common open space area shall be thirty (30) percent of the gross area of the project site or one hundred (100) percent of the area gained through lot size reductions; whichever is greater.*
 - a. *No structure is allowed in the common open space except if necessary for its operation and maintenance.*
 - b. *Maintenance for common open space areas shall be the responsibility of the property owner.*

¹⁵⁸ New standard accompanying new use

10-(3)(G)(a)(iv) Dwelling, Co-Housing Development¹⁵⁹

1. This use shall have a minimum lot size one (1) acres.
2. Each co-housing unit shall have a maximum size of one thousand (1,000) square feet of gross floor area.
3. Co-housing development projects must be organized as condominium developments meeting all requirements of the New Mexico State Condominium Act, and individual lots or portions of the project may not be subdivided for sale.
4. The development shall contain shared indoor community space for all residents to use for activities, cooking, and/or dining.
5. Each project site shall maintain a landscape buffer at least XX (XX) feet wide, meeting the requirements of Section XXX (Landscaping, Buffering, and Screening) along each side and rear lot line, and no portion of any primary or accessory structure may be located in that buffer area.
6. Zone district lot requirements and setback requirements shall apply to the project site as a whole, but not to individual co-housing dwelling sites.

10-(3)(G)(a)(v) Dwelling, Two-Family (duplex)¹⁶⁰

1. The main entrance of each primary structure must face the street.
2. On corner lots, the main entrance may face either of the streets or be oriented to the corner.
3. Buildings that have more than one main entrance, only one entrance must meet this requirement.
4. If an existing single-family dwelling in the SFR district is converted into a two-family dwelling (duplex), the duplex shall appear outwardly to be a single-family dwelling that is compatible with other dwellings in the neighborhood.

10-(3)(G)(a)(vi) Dwelling, Townhouse¹⁶¹

1. In the SFR Zone District Townhouses shall meet the following standards to complement the neighborhood's established character and respond architecturally to the overall neighborhood context:
 - a. *To adapts the existing character of the neighborhood into the architecture and siting, buildings on the same block face shall be analyzed*
 - b. *The facade articulation shall reflect the character of nearby residential areas with porches, projecting eaves and overhangs, and other traditional architectural elements which provide residential scale and help to break up building mass.*
 - c. *Side yard setbacks may be reduced to zero (0) where the structure abuts another Townhouse within the same development. Where the townhouse dwelling abuts a lot that is occupied by a single family dwelling unit, the setbacks shall follow the setbacks established in the underlying zone district.*
 - d. *Front yard setbacks may either follow setbacks established in the Contextual Standard section (XX), or follow standards established in the underlying zone district.*
 - e. *If feasible, garages shall be accessed from an alley. If there is no alley access, the following standards shall be observed;*
2. The maximum allowable driveway width facing the street is twelve (12) feet per dwelling unit. The maximum combined garage width per unit is fifty (50) percent of the total building width.
 - a. *The number of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed 8 units.*
3. Each attached dwelling must be located on a separate legal lot, or if located on a common lot, shall be situated so that a lot conforming to the requirements of the zone district could be created for each individual townhouse in the future.
4. The required side setbacks established by Section XXX (Development Standards) shall apply to the end units of each residential building containing townhouses, and shall not apply to interior side lot lines where townhouses share a common interior wall.¹⁶²

¹⁵⁹ New standard accompanying new use

¹⁶⁰ New use/standard

¹⁶¹ New standard

¹⁶² New standards to clarify setback requirements

5. In all residential zone districts, townhouses abutting single-family detached dwellings shall be setback ten (10) feet from the lot line.

10-(3)(G)(a)(vii) Dwelling, Live-Work¹⁶³

1. Dwelling units used by the occupant for both a residential use and for a business that does not qualify as a home occupation, provided that the 'work' component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses as allowed in the underlying base zone district indicated in Table 10-4B-1a (Use Table).
2. Live-work dwelling units shall contain distinct areas for working and living.
3. The nonresidential work area shall not occupy more than fifty (50) percent of the total area of each live-work unit.¹⁶⁴
4. This use shall not include the following activities: Any motor vehicle-related use; agricultural livestock or animal-related use; any food and beverage, or indoor entertainment use; adult retail; off-premise liquor sales, funeral home or mortuary; outdoor storage as a primary use, or any industrial use except artisan manufacturing.

10-(3)(G)(a)(viii) Residential Community Facility

1. This use shall comply with applicable local, state, and federal regulations.¹⁶⁵
2. This use shall comply with applicable Environmental Performance Standards as established in Section 10-4(G).
3. In all residential zone districts, Residential Community Facilities shall appear outwardly to be compatible with other dwellings in the neighborhood.¹⁶⁶
4. Swimming pool are permitted as an accessory use to multiple family or townhouse developments, provided they shall not be located within twenty five (25) feet from the perimeter lot line.

¹⁶³ New use/standards reflecting national best practices.

¹⁶⁴ Standard from International Building Code, 2015

¹⁶⁵ New standards to comply with Federal and State regulations. This also implies ADA standards.

¹⁶⁶ New standard to control the appearance of Group Residential Facilities to ensure the outwardly appearance is in accordance with neighboring properties.

¹⁶⁷ New standards to comply with Federal and State regulations, including ADA.

10-(3)(G)(a)(ix) Emergency and Protective Shelter

1. This use shall comply with applicable local, state, and federal regulations.
2. This use shall comply with applicable Environmental Performance Standards as established in Section 10-4(G).

10-(3)(G)(a)(x) Group Residential Facility

1. This use shall comply with applicable local, state, and federal regulations.¹⁶⁷
2. This use shall have a minimum separation of one thousand five hundred (1,500) feet from any other group home.¹⁶⁸
3. This use shall comply with applicable Environmental Performance Standards as established in Section 10-4(G).
4. In residential zone district, Group Residential Facilities shall appear outwardly to be compatible with other dwellings in the neighborhood.¹⁶⁹

10-3(H) **CIVIC & INSTITUTIONAL USES**

10-(3)(H)(a) Civic Institutional

10-(3)(H)(a)(i) Daycare Center (≤7 children)¹⁷⁰

1. This use must comply with all applicable local, state, and federal regulations.
2. The operator of the Daycare Center shall obtain a city business license, a current state license, and shall observe all state licensing requirements.
3. Any outdoor play area(s) shall be enclosed with a wall or fence of at least four (4) feet high and provide at least one (1) latched gate for an

¹⁶⁸ Controlling density of Group Residential Facilities occurrence reflection national best practices.

¹⁶⁹ New standard to control the appearance of Group Residential Facilities to ensure the outwardly appearance is in accordance with neighboring properties. 15 and 16 are the same!

¹⁷⁰ Standards from current Section 10-4D-2C, Daycare Nurseries and Preschools

emergency exit¹⁷¹. See Section X.X for additional wall and fence requirements.

4. A Daycare Center as an accessory use to a single-family dwelling shall comply with the following provisions:
 - a. *A six (6) foot high wall or fence which completely obstructs visibility is required around the perimeter of the outdoor play area. See Section 10-4(D) for additional wall and fence requirements.*
 - b. *Outdoor activity of children shall be limited to the hours between eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. and be supervised at all times.*
 - c. *One sign, not exceeding three (3) square feet in display area, may be mounted flat against the wall of the dwelling.*

10-(3)(H)(a)(ii) Hospitals and Major Medical Clinics¹⁷²

1. In all residential zone districts, hospitals and major medical clinics shall be permitted if a Conditional Use Approval is obtained pursuant to Section X.X (Conditional Use Permit).
2. Within residential zone districts, hospital and/or major medical clinics uses shall comply with the following provisions:
 - a. *The minimum lot size shall be one (1) acre. The lot size requirement shall take precedence over the lot size requirements for that respective zoning district. (Ord. 2009-8, 10-28-2009)*
 - b. *No principal or accessory structure shall be located within fifteen (15) feet of any lot line¹⁷³.*
 - c. *Each project site shall be screened from existing or new residential development by Type A opaque screen, meeting the requirements of Section X.X (Landscaping, Buffering, Screening)¹⁷⁴.*
 - d. *Heliports shall be permitted as an incidental use for Hospital and Major Medical Clinic uses.*

¹⁷¹ Revised to comply with the state requirements for Child Care Center, 8.16.2 NMAC "Outdoor Play Areas".

¹⁷² Standards from current Section 10-4D-2J, Hospitals And Major Medical Clinics

¹⁷³ Current standard from Section 10-4D-2J

¹⁷⁴ Current standard from Section 10-4D-2E, "shall be screened from existing or new residential development by Type A opaque screening as set forth in Section 10-4C-2G3".

10-(3)(H)(a)(iii) Educational Facility, Primary / Secondary

1. In the RR, SFR, and MFRL zone districts, this use shall not exceed a total of 20,000 square feet of gross floor area or less.

10-(3)(H)(a)(iv) Religious Institution

1. In all residential zone districts, religious institutions shall comply with the following provisions:
 - a. *No principal or accessory structure shall be located within fifteen (15) feet of any lot line¹⁷⁵.*
 - b. *Daycare centers are allowed as an accessory use on the premises of a religious institution¹⁷⁶.*
 - c. *In the RR, SFR, and MFRL zone districts, this use shall not exceed a total of 20,000 square feet of gross floor area or less.*

10-3(I) **COMMERCIAL USES**

10-(3)(I)(a) Agriculture Related

10-(3)(I)(a)(i) Agriculture, General

1. Livestock¹⁷⁷ is allowed, provided the lot has an minimum size of one (1) acre and the following regulations shall be met:
 - a. *The keeping and maintenance of livestock shall comply with all regulations and provisions of the health and sanitation laws of the environment department and the Gallup/McKinley County animal control ordinance.*

¹⁷⁵ Current standards from Section 10-4D-2J, Schools, Hospitals, Churches And Cemeteries

¹⁷⁶ Current standards from Section 10-4B-1C1

¹⁷⁷ Livestock is defined as horses, cattle, mules, donkeys, llamas, sheep, goats, and other farm animals.

- b. All premises and facilities upon which the keeping of animals is permitted shall be maintained in a clean, orderly and sanitary condition at all times.
 - c. All manure shall be removed or spread at least once a week to not constitute a nuisance. All premises and facilities shall be treated weekly with biologically, ecologically, and environmentally approved pesticides for the control of odors, insects, and rodents, which in any way can be considered a clear and present nuisance or detriment to the health, safety, comfort, welfare, peace and/or tranquility of the general public.
 - d. There shall be at least ten thousand (10,000) separate square feet of pervious surface area for each cow, horse or similar animal, at least four thousand (4,000) separate square feet of pervious surface area for each sheep, goat, pig or similar animal, and at least six hundred (600) separate square feet of pervious surface area in an enclosed structure for poultry or rabbits or similar animals. Animals which are less than six (6) months old are exempt from these requirements¹⁷⁸.
2. Livestock stables, pens, or corrals are allowed provided they comply with the following standards:
- a. Any stable, pen, or corral shall be located at least one hundred (100) feet away from any private water well or two hundred (200) feet from any public water well.
 - b. Any Livestock stables, pens, or corrals shall be located at least thirty five (35) feet away from any existing dwelling unit.
 - c. Box stalls shall be a minimum of twelve (12) feet in both length and width.
 - d. Corrals shall be a minimum two hundred forty (240) square feet of area.
 - e. Corrals measuring less than four hundred fifty (450) square feet shall have at least fifty four (54) square feet of shade, provided by either roof, trees or other means.

- f. Enclosure fencing may be constructed of wood, chainlink, masonry, metal, and other materials with the structural strength sufficient to contain animals.
- g. Enclosure fences shall be at least four and a half (4½) feet in height. For use in conjunction with stud stalls, fencing shall be at least six (6) feet in height.
- h. Running water facilities shall be provided within fifty (50) feet of each stall and/or corral, and each animal shall have access to fresh water.
- i. All areas used for exercising, training, or exhibition of animals shall maintain dust abated by dampening or other acceptable means to prevent detrimental and nuisance effects of dust emission on surrounding properties.

3. In the RR district:

- a. Feedlots for livestock shall be a minimum of five (5) acres in size¹⁷⁹.
- b. Hog farms shall be a minimum of five (5) acres in size¹⁸⁰.

10-(3)(I)(b) Animal Related

10-(3)(I)(b)(i) Equestrian Facilities

1. Equestrian facilities are permitted as allowed in Figure 10-3-1: USE TABLE provided they comply with the standards in 10-(3)(I)(a) Agriculture Related

10-(3)(I)(b)(ii) Kennel

1. Grooming services for boarded animals may be permitted as an incidental use provided the grooming services are conducted indoors and the grooming area is limited to 500 square feet.
2. Any open pens, runs, cages, or kennels shall be located at least 100 feet from any side or rear lot lines and enclosures shall be screened by a nontransparent fence of a minimum of six (6) feet in height.

¹⁷⁸ New standard to provide a more clear calculation of permissible livestock numbers, based on similar livestock regulations in the state.

¹⁷⁹ Per residential use table category "Livestock feedlots (minimum site size of 5 acres)".

¹⁸⁰ Per residential use table category "Hog farms (minimum site size of 5 acres)".

10-(3)(I)(b)(iii) Veterinary Hospital or Clinic

1. In the GC and HC zone districts, outdoor animal pens are permitted as an accessory use to veterinary hospitals¹⁸¹, provided they are enclosed with a wall or fence at least six (6) feet in height¹⁸².

10-(3)(I)(c) Food and Beverage

10-(3)(I)(c)(i) Liquor Sales, off premise¹⁸³

1. Alcohol sales for off-premise consumption are permitted provided that the establishment complies with all New Mexico state law requirements, including but not limited to any required spacing from other uses or facilities.
2. Alcohol sales for off-premise consumption shall not located within three hundred (300) feet of an active religious institution, educational facility, or military installation¹⁸⁴.
 - a. *To determine the permitted location of a licensed premises in relation to religious institution, educational facility, or military installations, the shortest direct line between the actual limits of the restricting properties and the licensed premises where alcoholic beverages shall be measured.*

10-(3)(I)(c)(ii) Restaurant¹⁸⁵

1. In the MXN zone district¹⁸⁶, this use is limited to establishments that measure three thousand (3,000) square feet of gross floor area or less, provided they comply with the following regulations:
 - a. *Restaurant uses shall be separated a minimum of one thousand (1,000) feet from any other restaurant use.*

¹⁸¹ Per Commercial Use Table category "Veterinary clinics (no outdoor animal pens)".

¹⁸² Height requirement for fences/walls added to existing standard.

¹⁸³ New Standards to address state requirements.

¹⁸⁴ NM State Law requirements (15.10.32.8 – location near churches, school or military installations.)

¹⁸⁵ Standards from Section 10-4D-2I, Restaurants

- b. *This use must provide a Type A opaque screen pursuant¹⁸⁷ to Section 10-4(C) Landscaping and Screening when adjacent to a residential use.*
- c. *Outdoor seating shall be limited to a maximum of one hundred (100) square feet and must maintain the same setback requirements as the principal structure. The use of outdoor seating areas shall not extend past nine o'clock (9:00) P.M.*
- d. *All outdoor lighting shall comply with the following requirements:*
- e. *Lights must be effectively shielded to prevent the light from being directed at adjacent residential areas;*
- f. *Prevent intensity of brilliance to not cause glare or to impair the vision of vehicular or pedestrian traffic;*
- g. *Have opaque backgrounds in order to reduce glare, where backlighting is provided.*
- h. *Outdoor music and noise must be maintained at a level that will not become a nuisance or have a significant adverse effect on the character and value of adjacent properties or the surrounding neighborhood.*
- i. *Any additions or alterations to existing restaurant uses requires a Conditional Use Approval, pursuant to Section X.X¹⁸⁸ (Conditional Use Permits) (Ord. 2007-07, 9-25-2007; and. Ord. 2009-8, 10-28-2009)*

10-(3)(I)(d) Recreation and Entertainment

10-(3)(I)(d)(i) Adult Entertainment or Retail

1. These uses are prohibited in the following locations:

¹⁸⁶ Per the existing requirements for RM-4 and RM-5 multiple-family zones which are being consolidated into the MXN zone.

¹⁸⁷ Currently Section 10-4C-2G

¹⁸⁸ Currently referencing (as provided for in section 10-4L-4) and shall be subject to the same specific use provisions listed in subsections I1 through I7 of this section. (Ord. 2007-07, 9-25-2007; and. Ord. 2009-8, 10-28-2009)

- a. *Within one thousand five hundred (1,500) feet of any Residential zone district, religious institution, educational facility, childcare center and/or other youth facilities, public park (not including trails), licensed massage parlor licensed (as defined by this code), or correctional facility.*
 - b. *Within one thousand five hundred (1,500) feet of another adult entertainment, adult retail establishment, or massage parlor.*
 - c. *The distance between any such businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest property line in which the adult business is located.*
2. If any Residential use, religious institution, educational facility, childcare center, licensed massage parlor, or correctional facility locates within one thousand five hundred (1,500) feet of an existing adult entertainment or adult retail use that was originally in compliance with Subsection 10-4B-10D-a1 above, the adult entertainment or adult retail use shall still be considered a conforming use. If the adult use will be rendered nonconforming if it ceases to operate for a period of one hundred eighty (180) days or more and may not recommence operation in its location¹⁸⁹.
 3. Only one (1) adult entertainment and/ or adult retail establishment shall be permitted to operate in the same structure or portion thereof.
 4. If an existing adult entertainment or adult retail use was originally in compliance with Subsection 10-4B-10D-a3 above, the adult entertainment or adult retail use shall still be considered a conforming use. The adult use will be rendered nonconforming if it ceases to operate for a period of one hundred eighty (180) days or more and may not recommence operation in the structure¹⁹⁰.

10-(3)(I)(d)(ii) Auditoriums and Theaters

1. In the MXN zone, this use shall not exceed 3,000 square feet.

10-(3)(I)(d)(iii) Recreational Facilities, indoor and outdoor

1. In all residential zoning districts, indoor and outdoor recreational facilities shall comply with the regulations specified below:
 - a. *Principal and accessory structure shall not cover more than fifteen percent (15%) of the total lot area.*
 - b. *Accessory dwelling units for a resident manager, watchman or caretaker may be provided on the premises only if the dwelling unit is constructed as part of the principal building, provided the accessory dwelling complies with the provisions of Subsection 10-(3)(K)(f) Accessory, Dwelling Structure*
 - c. *Any principal, accessory structure, or recreation facility such as a swimming pool, tennis court, basketball court, handball court, volleyball court or similar court or spectator grandstand must be set back a minimum of fifty (50) feet from perimeter lot lines.*
 - d. *Outdoor loudspeakers or call systems shall not be audible on adjacent properties.*
 - e. *All artificial lights shall be directed away from adjacent properties.*

10-(3)(I)(d)(iv) Golf Course

1. In all residential base zone districts, golf courses and driving ranges shall comply with the following requirements:
 - a. *This use shall have a minimum lot size of thirty (35) acres for a par 3- 9 hole course, a minimum of eighty (80) acres for a nine hole golf course, and a minimum of one hundred and sixty (160) acres for an eighteen hole golf course¹⁹¹.*
 - b. *Principal and accessory structure shall not cover more than fifteen (15) percent of the total lot area.*
 - c. *Accessory Dwelling units for living quarters for a resident manager, watchman or caretakers are permitted, provided those living quarters are constructed as part of the principal*

¹⁹¹ New standard per request of City Staff, sizes based on research for golf standards.

building and comply with the Subsection 10-(3)(K)(f) Accessory, Dwelling Structure.

- d. Outdoor loudspeaker or call system shall not be audible on adjacent properties.
- e. All artificial lights shall be directed away from adjacent properties.

10-(3)(I)(e) Lodging

10-(3)(I)(e)(i) Bed and Breakfast¹⁹²

1. In Multi-family zone districts, bed and breakfast establishments shall comply with the regulations specified below:
 - a. *The use shall outwardly appear to be a residential dwelling which is compatible with other dwellings in the neighborhood, with no evidence of a business use other than allowed signs.*
 - b. *If located in Residential zone districts, a non-illuminated sign up to eight (8) square feet in area is allowed. If located in Mixed-use zone districts, a non-illuminated sign up to twelve (12) square feet in area is allowed¹⁹³.*
 - c. *A maximum of two (2) establishments are permitted per city block.*
 - d. *Each establishment is limited to a maximum of eight (8) guestrooms.*
 - e. *Lodging accommodation for each guest is limited to a maximum of 30 consecutive days.*
 - f. *Permanent residents shall be limited to one family.*
 - g. *The use of motor home and/or camper trailer for guest lodging is not allowed.*
 - h. *Receptions or private parties held at bed and breakfast establishments for a fee shall not be allowed for persons other than registered guests.*
 - i. *This use is subject to the Gallup lodger's tax ordinance.*

- j. *All requests for a conditional use permit shall be accompanied by a site plan indicating all proposed development and addressing the above listed requirements.*

10-(3)(I)(e)(ii) Campground or Recreational Vehicle Park¹⁹⁴

1. The minimum lot size for this use shall be five (5) acres.
2. Campground or Recreational Vehicle Park(s) shall not exceed twelve (12) overnight campsites per gross developable acre.
3. The campground or recreational vehicle park shall be serviced by a private street system, which at minimum shall be constructed of compacted gravel. Private streets shall meet the following standards:
 - a. *A minimum right-of-way of sixteen (16) feet is required for one-way streets without on-street parking.*
 - b. *A minimum right-of-way of twenty four (24) feet is required for two-way streets without on-street parking.*
 - c. *Parallel on-street parking is permitted on all private streets, provided an additional eight (8) feet of right-of-way is provided for each lane of parking.*
 - d. *Direct entry onto individual campsites shall be provided only from a campground or park's private street system.*
4. Accessory Community Facilities including but not limited to a management office, repair shop, storage shed, sanitary facilities, indoor and outdoor recreation facilities, and commercial convenience stores are allowed, provided such facilities provide adequate off-street parking spaces pursuant to Section 10-(4)(A)(a) On- and Off-Street Parking Requirements.
5. Campsites and/or structures are not permitted within twenty five (25) feet of the any lot line.
6. A six (6) foot solid wall or fence subject to the provisions of Section 10-4(D) Fences and Walls is required on any lot line that is adjacent to or across the street from a Residential zone district. If residential development occurs after the establishment of this use, the campground or park shall be required to erect a wall on the lot line

¹⁹² Standards from Section 10-4D-2A, Bed and Breakfast Establishments

¹⁹³ New standard for signage

¹⁹⁴ Standards from current Section 10-4D-2H, revised for clarity.

adjacent to the new residential development within one hundred twenty (120) days of the construction the residential dwelling¹⁹⁵.

7. Each shelter that is to be used for overnight accommodation (i.e. recreational vehicles or tents) shall be located on an individually designated campsites which shall comply to following standards:
 - a. *Individual campsites must be clearly marked and numbered.*
 - b. *Campsites designated for recreational vehicles shall be sized to adequately accommodate the largest recreational vehicles allowed in the campground or park so that no portion of a recreational vehicle(s) extends beyond the campsite or onto a private street within the campground.*
 - c. *Recreational Vehicle campsites must provide one (1) additional parking space.*
 - d. *The minimum side by side space separation for recreational Vehicle campsites shall be twenty five (25). The minimum end to end space separation shall be twenty (20) feet.*
 - e. *When recreational vehicle campsites are adjacent to campsites designated for tent shelters, the minimum space separation between campsites shall be twenty five (25) feet.*
 - f. *Campsites and accessory community facilities shall be separated by at least a thirty (30) feet.*
8. All recreational vehicle parks and campgrounds shall be connected to public water and sewer systems.
9. Sanitary facilities are allowed, provided:
 - a. *One facility is provided for each twelve (12) campsites facilities¹⁹⁶;*
 - b. *Facilities are located within three hundred (300) feet to the campsites served;*
 - c. *Each facility contains a minimum of one flush toilet, one shower or bath and one washbasin. Urinals may be substituted for no more than one-third (1/3) of the flush toilets required.*
 - d. *Separate facilities are provided for men and women.*

¹⁹⁵ Provisions added to the existing standard to include a required timeframe for the construction of this wall.

10. The storage, collection and disposal of solid waste refuse shall not create health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
11. If this use provides facilities for day users in addition to overnight campers, additional parking spaces and sanitary facilities adequate to meet service demand shall be required.

10-(3)(l)(e)(ii)(A). Short-term Rentals¹⁹⁷

1. The owner shall pay all applicable local, state, and federal taxes including sales and lodging taxes.
2. The owner is responsible for ensuring the accessory short-term rental meets all applicable local, state, and federal regulations.
3. Parties renting the designated bedroom or unit shall have access to a private or shared full bathroom.
4. Guest stays may only occur within the dwelling unit that the owner or resident manager occupies.
5. Occupancy of the accessory short term rental shall not exceed the occupancy allowed for single family use as defined in the Municipal Code.
6. In a multifamily building under single ownership, no more than 25 percent but at least one (1) unit may be permitted as an accessory short-term rental.
7. In single-family zone district, all vehicles associated with the accessory short-term rental use shall be parked in designated parking areas, such as driveways and garages, or on-street parking, where permitted. No parking shall occur on lawns or sidewalks.

¹⁹⁶ This regulation used to specify the required facilities based on the number of men/women on site which is an arbitrary number that is subject to change. Changed the standard to be a specified number per campsite.

¹⁹⁷ New standard per the request of city staff.

10-(3)(I)(f) Motor Vehicle Related

10-(3)(I)(f)(i) Heavy vehicle and equipment sales, rental, and repair¹⁹⁸

1. The number of points of access for an automobile service station shall not exceed two (2) for each one hundred (100) feet of street frontage. *One (1) additional point of access is permitted for each additional one hundred (100) feet of frontage.*
2. Each point of access shall be a maximum of thirty (30) feet wide and be located no less than twenty five (25) feet from the intersection of street rights of way. Point of access shall be set back as specified below:
 - a. *Within a minimum fifteen (15) feet from any residential zoned lot*
 - b. *Within a minimum five (5) feet from any property zoned nonresidential,*
 - c. *Within a minimum ten (10) feet from any other point of access.*
3. Accessory structures shall not be located:
 - a. *Within fifteen (15) feet of any property zoned residential.*
 - b. *Within ten (10) feet of a street.*
4. If a nonconforming accessory structure(s) exists within a required setback area, it shall be removed before the property is converted to a use other than an automobile service station.
5. All materials, merchandise and equipment, other than motor vehicle fuels, shall be stored within the principal structure.
6. Adequate enclosed trash storage facilities shall be provided on the site.
7. Wreckers, service or customer vehicles, or vehicles offered for sale or rent may be parked on the premises, provided they don't create a traffic hazard or interfere with any vehicular maneuvering area necessary for fuel pump areas, service bays or with any required off street parking spaces. No more than two (2) motor vehicles may be offered for sale on the premises at any one time unless otherwise authorized by the provisions of this title, and in conformity with all applicable state regulations.

¹⁹⁸ This use replaces numerous uses related to automobile service station, sales, serving and repair, existing standards from Section 10-4D-3C are carried over here.

8. In the GC district, the rebuilding or reconditioning of engines, vehicle body repair, painting, undercoating, automated car washes and other such activities whose external effects could adversely extend beyond the property line are prohibited.
9. In the HC and I districts, this use permits truck or trailer rental service as an accessory use to an automobile service station provided the following standards are met:
 - a. *A minimum lot area of four hundred eighty (480) square feet shall be set aside for the parking of each rental truck, and one hundred (100) square feet for each rental trailer.*
 - b. *Vehicles offered for sale or rent shall not be parked within a required setback area or within the required twenty five (25) foot clear sight distance at street corner intersections.*
10. In the HC District, this use permits the use, rental, sales or servicing of heavy construction for general earthwork, excavation and heavy construction including aboveground fuel storage tanks through a Conditional Use Approval, pursuant to **Section X.X (Conditional Use Permits)**, provided the use complies with the regulations specified below.
 - a. *The lot size is a minimum of one (1) acre.*
 - b. *The above ground storage of fuel class 3-B combustible liquid with a flashpoint at two hundred degrees Fahrenheit (200°F) (diesel fuel) is permitted.*
 - c. *Storage tanks shall have a maximum individual capacity of twelve thousand (12,000) gallons and an aggregate capacity of forty thousand (40,000) gallons.*
 - d. *Storage tanks shall be located:*
 - e. *Twenty five (25) feet from any building.*
 - f. *Twenty five (25) feet from any fuel dispenser.*
 - g. *Twenty five (25) feet from any public way.*
 - h. *Fifty (50) feet from any lot line.*
11. Control of spillage shall be provided by:
 - a. *A Minimum impervious lining under two (2) feet of pea gravel or clean sand, or a six (6) inch minimum pad reinforced concrete rated at four thousand (4,000) psi; and*

b. *A minimum eight (8) inch width reinforced concrete dike wall rated at three thousand (3,000) psi.*

12. Storage tanks shall be enclosed with a chain link fence with a minimum of six (6) feet high and located at least ten (10) feet away from any tank. Sites that are completely enclosed with a six (6) foot chainlink fence shall be exempt from this requirement.
13. Requests for a Conditional Use Permit shall be accompanied by a site plan indicating all proposed development and addressing the above listed requirements.

10-(3)(I)(f)(ii) Parking Lot, and Structure Commercial¹⁹⁹

Parking lots that are a principal use shall comply with the Parking and Loading standards of Section 10-4(A)(a) On- and Off-Street Parking Requirements.

10-(3)(I)(g) Offices and Services

10-(3)(I)(g)(i) Construction Contractor Facility and Yard

1. This use may be conducted outside of an enclosed building.
2. All outdoor areas where construction equipment or goods or vehicles are parked or stored or work is conducted must comply with requirements in Section 10-4(C) Landscaping and Screening.

10-(3)(I)(g)(ii) Medical or Dental Clinic

1. In the MXN zone, this use shall not exceed 3,000 square feet.

10-(3)(I)(g)(iii) Shooting Range²⁰⁰

1. The layout of all shooting ranges (i.e. handgun, rifle, shotgun, trap, and skeet) shall conform to National Rifle Association standards with regard to layout and dimensions.

2. This use requires downrange safety area that conforms to National Rifle Association standards for shape and width, with lengths as follows:
 - a. *Shotgun ranges where the shot size is limited to no. 4 or smaller, shall provide a downrange safety length of one thousand five hundred (1,500) feet.*
 - b. *Ranges for handguns and rifles not more powerful than .22 long rifle shall provide a downrange safety length of Seven thousand (7,000) feet.*
 - c. *Ranges for rifles more powerful than .22 long rifle, shall provide a downrange safety length of thirteen thousand five hundred (13,500) feet.*
 - d. *The downrange safety area requirement for handgun and rifle ranges may be waived if the firing line is provided with overhead baffling meeting the standards of the National Rifle Association.*
3. The range property and safety area shall be fenced off and shall have signs posted at one hundred (100) feet intervals warning potential intruders of the danger from stray bullets. If a street or road passes through the safety area, both right-of-way lines shall be posted.
4. Ranges designed for the use of handguns and rifles shall construct berms at least twenty (20) feet high and six (6) feet thick at the top, made of soft earth or other materials which contain no large rocks and are unlikely to cause ricochets. Berms are not required Berms shall be located as follows:
 - a. *Ranges for handguns and rifles not more powerful than .22 shall provide a backstop of at least one hundred fifty (150) feet from the firing line; lateral, no closer than thirty (30) feet from the firing line.*
 - b. *Ranges for rifles more powerful than .22 long rifles shall provide a Backstop at least three (300) hundred from the firing line; lateral no closer than thirty (30) feet from the firing line.*
5. This use shall provide adequate sanitary facilities on the site.

¹⁹⁹ Existing standards from Section 10-4C-5D will be picked up under a revised Parking and Loading section, to be drafted during Module 2.

²⁰⁰ This use replaces "Recreational private clubs and areas (with outdoor use of weaponry)", existing standards from Section 10-4D-2G are carried over here.

6. A sign(s) shall be posted on the range site listing the allowable types of firearms and stating the rules of operation of the range.
7. At least one range supervisor shall be present at all times when firing is taking place. The supervisor shall be certified by the National Rifle Association for the type of shooting he/she is supervising, and shall know and enforce all range rules.
8. At least one range flag shall be flown whenever firing is taking place. The flag shall be installed at least eighteen feet (18') high, and the flag shall be a bright red, one meter long, fifty centimeters (50 cm) wide at the pole, and fifteen centimeters (15 cm) wide at the free end.
9. Everyone on the firing line shall be required to wear personal safety equipment, hearing protection and safety glasses.
10. The outdoor shooting range shall be covered by at least one hundred thousand dollars (\$100,000.00) worth of accident and liability insurance.²⁰¹

10-(3)(I)(g)(iv) Self-Storage²⁰²

1. All storage shall be within enclosed buildings. No outdoor storage of goods or vehicles is allowed²⁰³.
2. Street access to the premises shall be limited to one entrance/exit per street frontage.
3. A minimum of thirty five (35) feet of separation shall be provided between warehouse structures to accommodate driveways, parking, and fire lanes. Where no parking is provided within the building separation area, a twenty (20) foot wide separation is allowed.
4. One sign identifying the premises shall be permitted at each entrance, provided signs do not exceed fifteen (15) feet in height, or thirty two (32) square feet in sign display area. Blinking, flashing or revolving signs

or lights, or any artificial light that shine upon adjacent property are not permitted.

5. Access to individual storage units shall be through interior corridors; direct access to individual units from outdoor areas is not allowed²⁰⁴.
6. Garage sales shall not be conducted on the premises.
7. The servicing or repair of motor vehicles, watercraft, trailers, lawn mowers, and other similar equipment shall not be conducted on the premises.

10-(3)(I)(h) Retail Sales

10-(3)(I)(h)(i) Adult Retail²⁰⁵

1. In districts where Adult Retail is allowed pursuant to *Figure 10-3-1: USE TABLE* this use shall comply with the regulations of *Section 10-(3)(I)(d)(i) Adult Entertainment or Retail*.

10-(3)(I)(h)(ii) Retail Kiosk²⁰⁶

1. Kiosk type service structures must obtain a Conditional Use Approval, pursuant to *Section X.X (Conditional Use Permits)*.
2. This use shall not exceed two hundred fifty (250) square feet in size.

10-(3)(I)(h)(iii) Retail Sales, Convenience (≤ xK)²⁰⁷

1. Retail sales establishment classified as "Convenience" are those with no more than X²⁰⁸ square feet of gross floor area.

²⁰¹ Deleted: "Exceptions: The board of adjustment may modify the above regulations if the purposes of the above regulations can be satisfactorily met with alternate standards. Such modifications must be incorporated in an official motion approving a conditional use permit for an outdoor shooting range." Will be added to the Development Standards.

²⁰² Existing use category is called "miniwarehouses" is renamed to the contemporary term "self-storage", existing use standards from Section 10-4D-3H are carried over here.

²⁰³ New Standard

²⁰⁴ New Standard

²⁰⁵ Carries over the existing adult business standards from Section 10-4D-3A.

²⁰⁶ Retail kiosk are proposed as a separate use category per the request of City staff, new use specific standards carry over existing standards related to Kiosks which are currently buried in the Planned Shopping Center district standards

²⁰⁷ This use carries over uses from the existing "Retail Sales and Services (Convenience Type)" use category, but is proposed to be regulated by size going forward.

²⁰⁸ The appropriate size requirements will be determined during the drafting of Module 2, Development Standards.

10-(3)(l)(h)(iv) Retail Sales, General ($\leq xK$)²⁰⁹

1. Retail sales establishment classified as “General” are those with no more than x^{210} square feet of gross floor area.

10-(3)(l)(h)(v) Retail Sales, Heavy ($\leq xK$)²¹¹

1. Retail sales establishment classified as “Heavy” are those with no more than x^{212} square feet of gross floor area.

10-(3)(l)(h)(vi) Planned Shopping Center²¹³

1. All planned shopping centers with a gross leasable floor area of thirty thousand (30,000) square feet or more (or additions to existing ones which increase their gross leasable floor area by 15,000 square feet or more) shall require site development plan approval **per section X.X.**²¹⁴
2. All commercial uses permitted indicated in Figure 10-3-1: USE TABLE shall occur within an enclosed structure, with the exception of plant nurseries, certain service station operations, and non-mechanized playgrounds for children as an accessory use.
3. Accessory uses shall be permitted as indicated in Figure 10-3-1: USE TABLE, provided the following standards are met:
 - a. *The accessory use shall not occupy more than ten (10) percent of the floor area space of the primary use.*
 - b. *A accessory use shall not operate at hours when the primary use is closed.*
 - c. *An accessory use shall not include any manufacturing except custom handcrafting of wearing apparel or personal accessories for direct retail to the user.*
 - d. *Accessory uses may be located in Retail Kiosks²¹⁵.*

- e. *Accessory uses may be conducted outdoors, as subject to development review approval, pursuant to Section X.X (Administration and Procedures).*

4. All structures on a planned shopping center site shall not cover more than twenty five (25) percent of the area of such site. Exterior covered walkways which are not part of interior or enclosed malls, ramadas, and eaves overhangs used shall not be included in computing the twenty five (25) percent coverage.²¹⁶
5. All buildings shall be located at least twenty five (25') feet from any lot line of the shopping center site.
 - a. *If the center is adjacent to a residential zone district, buildings must set back a minimum of seventy five (75) feet from the contiguous lot line of the residential district. Where the boundary of a PSC district is contiguous to the boundary of any residential district, a landscape buffer shall be planted and maintained along the site boundary in accordance with the requirements Section X.X (Landscaping, Buffering and Screening).²¹⁷*
6. Where the property line of a planned shopping center is contiguous to the boundary of any residential zoning district, there shall be provided a belt of landscaping along the site boundary which shall be planted and maintained in accordance with the requirements of the site plan.
7. The maximum allowable building height for any structure within seventy five (75) feet of a residential zone district shall be twenty five (25) feet, measured as the vertical distance from the natural grade to the highest point of the wall or roof surface.
8. Beyond seventy five (75) feet of the residential zone, the building height may not exceed fifty six (56) feet.

²⁰⁹ This use carries over uses from the existing “Retail Sales and Services (Light)” use category, but is proposed to be regulated by size going forward.

²¹⁰ The appropriate size requirements will be determined during the drafting of Module 2, Development Standards.

²¹¹ This use carries over uses from the existing “Retail Sales and Services (Heavy)” use category, but is proposed to be regulated by size going forward.

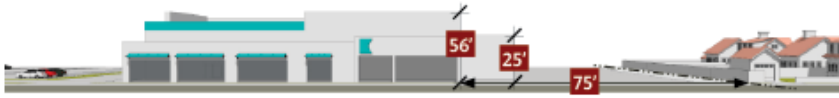
²¹² The appropriate size requirements will be determined during the drafting of Module 2, Development Standards.

²¹³ The existing PSC district is recommended to be removed as an independent base district and replaced with a “planned shopping center” use category that carries over the existing district standards from Section 10-4B-2A4, as revised for clarity.

²¹⁴ Existing standard 10-4B-2.J

²¹⁵ New standard based on PSC regulations that already allow kiosks.

²¹⁶



9. Only accessory pump islands shall be permitted as outdoor service station operations.
10. Drive-up or drive-through facilities are allowed in a freestanding or Kiosk type service structure. Uses listed in *Figure 10-3-1: USE TABLE* are permitted and shall comply with the standards of *Section 10-(3)(l)(h)(ii) Retail Kiosk*.
11. If there are more than two (2) Retail Kiosks proposed are proposed for any one site, they may be required to be grouped for common access subject to development review approval, pursuant to *Section X.X (Administration and Procedures)*.
12. All garbage collectors or dumpsters shall be located to the rear of a building.²¹⁸
13. Outdoor lighting shall reflect light away from adjacent residential zone districts.
14. Noise, odor or vibration shall not be emitted exceeding the general level of noise, odor or vibration emitted by uses outside the boundaries of the planned chopping center site.
15. Promotional events consisting of productions, displays or exhibits produced shall be permitted outside an enclosed structure, mall or open inner court, provided a promotional event permit has been issued by the city planning department.

²¹⁸ Existing standard 10-4B-2.I.6

²¹⁹ New use/standards

²²⁰ Current standard from Section 10-4D-3G

²²¹ Deleted "The Board of Adjustments may restrict the hours of operation, if necessary, in order to avoid adverse impacts on surrounding developed areas." Will be included in the development standards

10-3(J) INDUSTRIAL

10-(3)(J)(a) Manufacturing, Production and Extraction

10-(3)(J)(a)(i) Manufacturing, Artisan²¹⁹

1. All activities must be conducted within a completely enclosed building.
2. Retail sales of goods produced on the property are allowed.
3. Processes and production that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts shall obtain a Conditional Use Approval pursuant to *Section X.X (Conditional Use Permit)*.

10-(3)(J)(a)(ii) Manufacturing, Light²²⁰²²¹

1. All activities in this use must be conducted in an enclosed building unless a Conditional Use Approval is obtained pursuant to *Section X.X (Conditional Use Permit)*.
2. This use shall comply with applicable Environmental Performance Standards as established in *Section 10-4(G) Environmental Performance Requirements*.

10-(3)(J)(a)(iii) Manufacturing, Heavy²²²

1. This use may be conducted outside of an enclosed building.²²³
2. All permanent or temporary asphalt batching and cement plants shall comply with the regulations specified below:²²⁴
 - a. No principal or accessory structure shall be located within one hundred fifty (150) feet of the nearest public road, one hundred (100) feet to any

²²² Current standard from Section 10-4D-3G

²²³ New standards to clarify permitted uses

²²⁴ Current standard from Section 10-4D-4A

perimeter lot line, and/or three hundred (300) feet of any existing residential dwelling.

- b. All permitted materials shall be maintained in a neat and orderly manner and shall be covered and/or wet down regularly so as to prevent debris from leaving the area of the site.
- c. Routes of supply vehicles or material handling vehicles shall be arranged to minimize nuisances or hazards to existing residential neighborhoods or commercial businesses.

- d. Well drilling shafts or surface openings for underground mining shafts shall not be located:
- e. Within two hundred (200) feet from any residential zone district.
- f. Within one hundred (100) feet from all public streets and perimeter lot lines.

10-(3)(J)(a)(iv) Manufacturing, Special

- 1. This use must obtain all applicable state and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.
- 2. This use shall also comply with the Use-specific Standards applicable to Heavy Manufacturing.

10-(3)(J)(a)(v) Natural Resource Extraction^{225,226,227}

- 1. This use shall comply with applicable Environmental Performance Standards as established in 10-4(G)
- 2. This use shall comply with applicable local, state, and federal regulations.
- 3. The extraction of soils, for industrial purposes such as sand and gravel operations, shall comply with the following requirements:²²⁸
 - a. Open excavations shall not be located:
 - b. Within four hundred (400) feet of any residential zone district.
 - c. Within one hundred (100) feet of any public street and perimeter lot line.

10-(3)(J)(a)(vi) Salvage, Demolition and Junkyards²²⁹

- 1. Salvage, demolition and junkyards shall be enclosed by a solid wall or fence of at least six (6) feet in high which completely obstructs the visibility of the use.
- 2. No materials stored within the yard shall be stacked higher than the height of the required wall or fence. (Ord. C99-5, 9-28-1999)

10-(3)(J)(a)(vii) Warehousing, Wholesale and Distribution²³⁰

- 1. All self-storage facilities shall observe the regulations specified below:
 - a. Garage sales are not permitted on the premises.
 - b. The servicing or repair of motor vehicles, watercraft, trailers, lawn mowers, and other similar equipment is not permitted on the premises.
 - c. Only one (1) sign identifying the premises is permitted at each entrance, no other signs are permitted.
 - d. Signs shall not exceed fifteen (15) feet in height, or thirty two (32) square feet in sign display area.
 - e. No blinking, flashing or revolving signs or lights, or any artificial light that shines upon adjacent property shall be permitted.
 - f. Street access to the premises shall be limited to one entrance/exit per street frontage.

²²⁵ Current standard from Section 10-4D-4B

²²⁶ Deleted "The board of adjustment may limit the time of day during which the facility may be operated and may make such further conditions as would protect public health, safety, morals and welfare. For temporary facilities, the board of adjustment shall require a performance bond or surety bond conditional upon the removal of the facility and restoration of the site to an acceptable condition at the time specified by the board. " will be included in the Development Standards.

²²⁷ Deleted: "The Board of Adjustment may restrict the hours of operation, if necessary, in order to avoid adverse impacts on surrounding developed areas." Will be included in the Development Standards.

²²⁸ Current standard from Section 10-4D-4B

²²⁹ Current standards from Section 10-4D-4D

²³⁰ Current standard from 10-4D-4H

- g. Warehouse buildings shall have a minimum separation of thirty five (35) feet to accommodate drive isles, parking and emergency access. Where no parking is provided, minimum separation of warehouse buildings shall be twenty (20) feet.

10-3(K) ACCESSORY USES

10-(3)(K)(a) Antenna, noncommercial²³¹

1. Antenna shall not exceed fifty (50) feet above ground.

10-(3)(K)(b) Fuel Pumps²³²

1. Adjacent to Residential and Mixed-use zone districts, this use shall be screened with a fence, wall, or vegetated screen between six (6) and eight (8) feet high on each lot line.²³³
2. Fuel pumps and fuel islands shall be set back a minimum distance of fifteen (15) feet from any right-of-way or lot line.²³⁴
3. Each fuel pump shall have one (1) on-site vehicle stacking space in addition to the vehicle parked at the pump island.²³⁵
4. This use shall comply with applicable local, state, and federal regulations.²³⁶

10-(3)(K)(c) Indoor Entertainment Venue^{237, 238}

1. Indoor Entertainment Venue shall not be permitted within three hundred (300) feet of:
 - a. churches
 - b. schools
 - c. dwelling units or residential zone districts

- d. other licensed Indoor Entertainment Venue and/or accessory nightclub and bar.

2. All activities must be conducted within an enclosed building.
3. The serving, use or presence of alcohol is prohibited.
4. Pyrotechnics, indoor and/or outdoor, are prohibited.
5. One (1) private security guard shall be provided for every fifty (50) persons.
6. Youths under sixteen (16) years of age shall not be permitted unless accompanied by a parent or legal guardian.
7. The owner and/or management of this use shall verify the age of all persons/customers.
8. Loitering shall not be permitted before, during or after any activities.
9. This use shall cease operation by eleven o'clock (11:00) P.M. daily.
10. This use shall comply with all applicable municipal codes, building codes, fire codes, electrical codes, plumbing codes, zoning codes and public nuisance regulations regulating assembly uses.
11. Failure to comply with specific use regulations governing Indoor Entertainment Venue shall result in termination of this use. (Ord. 2013-5, 9-24-2013)

10-(3)(K)(d) Daycare Center²³⁹

1. This use shall comply with all use specific standards outlined in Section XX (Principle Use: Daycare Center).

10-(3)(K)(e) Accessory, Structure²⁴⁰

1. All accessory structures, including 'accessory structures,' 'accessory dwelling structures' and 'accessory storage structures' shall comply with the regulations specified below:²⁴¹

²³¹ Carried over from current code, use table

²³² New standards

²³³ New standards to create buffering between incompatible uses, e.g. residential

²³⁴ New standard

²³⁵ New standard

²³⁶ New standard

²³⁷ This use was previously "social nightclub", and use specific standards (10-4D-3K) grouped under Clubs and Bars. To clarify and to allow this use not continue as permissive, this use is now its own use category.

²³⁸ Revised for clarity

²³⁹ Current standard from Section 10-4D-2C

²⁴⁰ Compilation of existing use specific standards, generalized to apply to all accessory structures. This use combines use specific standards from Accessory Structures, Apartment, Mother in Law or Servant Accessory Dwelling Unit, Secondary Residential Unit. Revised for clarity.

²⁴¹ Current standard from Section 10-4B-6O-2

- a. *This use shall be incidental and customarily subordinate to the principal use.*²⁴²
- b. *Accessory structure shall be located on the same lot as the principal use.*²⁴³
- c. *Accessory structures shall be under the same ownership as the principal structure. The property shall use the same utility meter with the exception of an accessory dwelling unit.*²⁴⁴
- d. *The accessory structures shall not be sold independently of the principal residential unit sale. Accessory dwelling structures may be rented.*²⁴⁵
- e. *Unless otherwise stated, the maximum size of an accessory structure shall be 10% of the gross developable ground floor area of the principal structure.*²⁴⁶
- f. *Unless otherwise stated, accessory structures located within a required setback in any base zone district shall not exceed sixteen (16) feet in height.*²⁴⁷
- g. *In all residential zone districts and the MXN district, accessory structures shall be located as specified below:*
- h. *Accessory structures shall not be located in required setback areas.*
- i. *On double frontage lots or corner lots, accessory structures shall not be located in required setback areas abutting a street.*²⁴⁸
- j. *Garages with a vehicular entrance from an alley shall be setback at least ten (10) feet from the rear lot line.*
- k. *In all Commercial zone districts, accessory structures shall not be located within any required setbacks, with the following exceptions:*
- l. *Accessory one-story parking garages (for storage of commercial vehicles) and garbage receptacles or dumpsters may be located within the required rear setback, provided they shall be setback five (5) feet from the lot line.*
- m. *Accessory one-story parking garages with a vehicular access from an alley shall be setback ten (10) feet from the lot line.*
- n. *Two-story parking garages and commercial parking garages serving business patrons shall not be located in any required setback.*
- o. *In Industrial zone district, accessory structures shall not be located in any required setback areas, with the following exceptions:*
- p. *Accessory one-story parking garages (for storage of commercial vehicles) and garbage receptacles or dumpsters may be located within the required rear setback, but shall be setback five (5) feet from the lot line.*
- q. *Properties abutting a railroad right of way, a loading dock may be located within the railroad right of way.*
- r. *Two-story parking garages and commercial parking garages serving business patrons shall not be located in any required setback.*

10-(3)(K)(f) Accessory, Dwelling Structure

1. *Accessory dwelling structures shall not be located in the required front setback,²⁴⁹ but may be located in the required rear or side setback provided they are set back five (5) feet from the lot line.*
2. *On double frontage lots or corner lots in all residential zone districts, accessory buildings or structures shall not be located in any required yard abutting a street.*
3. *One (1) accessory dwelling structure with kitchen and bathroom facilities is permitted for a single family residential dwelling unit, subject to the following requirements:²⁵⁰*
 - a. *Accessory dwelling structure shall contain one (1) single-family dwelling unit and occupy no more than eight hundred (800) square feet of living area.*²⁵¹

²⁴² Current standard from definition : ACCESSORY STRUCTURE

²⁴³ Current standard from definition : ACCESSORY STRUCTURE

²⁴⁴ Current standard from Section 10-4B-60-2

²⁴⁵ Current standard from Section 10-4B-60-2

²⁴⁶ Current standard from Section 10-4D-3L

²⁴⁷ Current standard from Section 10-4C-1A

²⁴⁸ Current standard from Section 10-4C-1B-2b

²⁴⁹ Current standard from Section 10-4C-1B-2

²⁵⁰ Current standard from Section 10-4B-60-2

²⁵¹ Current standard from definition

- b. *The accessory dwelling structure shall meet all development standards applicable to the principal single-family dwelling.*²⁵²
- c. *RVs and mobile homes are not permitted as accessory dwelling units.*
- d. *Accessory dwelling structure shall be permanently constructed and shall have a consistent architectural style. The architectural style shall be compatible with that of the principal single-family dwelling unit.*²⁵³
- e. *The front door is not be required to open onto the primary street.*²⁵⁴

10-(3)(K)(g) Accessory, Storage Structure²⁵⁵

1. In all commercial and industrial zone districts the regulations specified below shall apply to all accessory storage structures:
 - a. *The design and color shall be compatible and consistent with the principal structure.*
 - b. *Accessory storage structures shall be located as specified below:*
 - c. *Accessory storage structures shall not eliminate any off street parking spaces required for the principal and accessory uses.*
 - d. *Accessory storage structures are prohibited in areas between the facade of the principal structure and street frontage.*
 - e. *Accessory storage structures prohibited in locations set aside for fire protection (i.e., fire lanes, fire hydrants, etc.).*
 - f. *This use shall not be located within a minimum of fifteen feet (15') from any residential district*
2. In all residential zone districts and the MXN district, shipping containers as accessory storage structures to civic/institutional uses shall comply with the regulations specified below:²⁵⁶
 - g. *This use shall have a minimum lot size of one (1) acre.*
 - h. *There shall not be more than one (1) container per acre.*

- i. *The maximum number of shipping containers shall not exceed three (3) per lot.*
- j. *Shipping containers shall not be stacked.*
- k. *This use shall comply with all setback requirements for Accessory Structures (Section, Dimensional Standards- Accessory Structures).*
- l. *In residential zone districts and adjacent to residential uses, shipping containers shall be screened by a solid fence or wall not less than seven feet (7') in height.*
- m. *In no case shall hazardous materials of any kind be stored. (Ord. 2009-9, 10-28-2009)*

10-(3)(K)(h) Home Occupation²⁵⁷

1. Any Home Occupation Use shall acquire a business permit.
2. The conductor of the Home Occupation Use shall be the permanent resident of the structure in which the residence business is conducted.
3. Not more than one (1) employee, customer, or client shall be on the premises at any time.
4. Home occupation uses shall involve limited employee, customer, or client business visits.
5. The use of equipment or processes shall not adversely affect nearby dwelling units or properties through noise, vibrations, odors, fumes, fire hazards, light, glare, electrical or radio wave interference.
6. The home occupation use shall be clearly incidental and subordinate to the residential use and shall, under no circumstances, change the residential character of the dwelling.
7. The floor area of the home occupation use shall not exceed thirty five (35) percent of the floor area of the dwelling unit.
8. In the Rural Residential zone district up to five hundred (500) square feet in a garage, dwelling unit or accessory structure may be used in lieu of the dedicated floor area within the principle dwelling unit.

²⁵³ Current standard from Section 10-4B-60-2

²⁵⁴ Current standard from Section 10-4B-60-2

²⁵⁵ Current standard from Section 10-4D-3L

²⁵⁶ Current standard from Section 10-4D-2L, revised for clarity

²⁵⁷ Current standard from Section 10-4D-2D, revised for clarity.

9. One (1) non illuminated sign, not exceeding three (3) square feet in sign display area shall be permitted. Signs shall be mounted flat against the wall of the dwelling.
10. Display and/or storage of materials or supplies shall be within an enclosed building and within the dedicated home occupation space.
11. No equipment shall be used which creates fire hazards, electrical interference, noise, vibration, glare, fumes, or odors detectable to the normal senses.
12. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
13. Vehicular traffic volumes generated shall not exceed volumes that would be generated by a residential use of the underlying base zone district.
14. The home occupation use shall not adversely affect the habitability or value of the surrounding properties nor alter the essential residential character of the neighborhood.
15. Any violation of these regulations may result in the revocation of any home based business permit in addition to any other remedy for such violation provided in this title or by law.
16. The issuance of a permit in accordance with this title shall not be deemed to be a change of zoning nor an official expression of opinion as to the proper zoning for the particular property.
17. Business shall be operated Monday through Saturday, no earlier than seven o'clock (7:00) A.M. and no later than six o'clock (6:00) P.M. Business activity shall be prohibited on Sundays.
18. All retail sales, services and manufacturing land uses shall be prohibited in all residential zoning districts.

10-(3)(K)(i) Accessory, Garage or Carport, private

1. In all Commercial Zone Districts Accessory one-story parking garages which have their vehicular access from an alley, shall observe at least a ten foot (10') setback from the lot line. Two-story parking garages and

commercial parking garages serving business patrons shall not be located in any required yard.

2. In Industrial Zone Districts two-story parking garages and commercial parking garages serving business patrons shall not be located in any required yard.

10-(3)(K)(j) Large Animal Raising

1. Large Animal Raising as Accessory Use shall comply with all use specific standards established in Section 10-(3)(l)(b) Animal Related.
2. Stables used in the raising and keeping of animals, shall comply with Section I3, Agricultural Livestock standards.

10-(3)(K)(k) Outdoor Sales Display Areas

1. The display or sales of merchandise is permitted but shall be conducted to not be visually offensive and not obstruct the flow of pedestrian traffic.²⁵⁸

10-(3)(K)(l) Outdoor Storage

1. All outdoor storage areas must be screened from view from each lot line as established by Section 10-4(C) Landscaping and Screening.²⁵⁹
2. Mobile homes shall not be placed on any lot for storage purposes except on the premises of a mobile home sales lot or a mobile home manufacturing operation where such uses are permitted by this title.

10-(3)(K)(m) Outdoor Recreational Vehicle Storage²⁶⁰

1. In Residential zone districts including RR, SFR, MFRL and MFRM the parking and storage of recreational is permitted provided, that the following conditions are met:
 - a. *The recreational vehicle shall have a current license plate.*
 - b. *The recreational vehicle shall be parked or stored in full compliance with all setback requirements for Accessory*

²⁵⁸ Current standard from Section 10-4B-2I-2, revised for clarity

²⁵⁹ Current standard from Section 10-4B-3C-2

²⁶⁰ Current standard from Section 10-4C-1D-12

Structures (Section, Dimensional Standards-Accessory Structures).

- c. *The recreational vehicle may be parked in the driveway of the principal structure*
- d. *The recreational vehicle shall not be parked in the following areas*
 - e. *Within any street or alley right of way;*
 - f. *Within the front setback or required front setback.*
 - g. *No sewage shall be released onto a lot or street.*
 - h. *Recreational vehicle shall not serve residential purposes, except for visitations that don't exceeding a duration of forty eight (48) hours.*
 - i. *Recreational vehicle shall not be connected to water or sewer lines for residential purposes.*
 - j. *No tractor trailers, trucks larger than a one ton pickup, commercial buses or similar vehicles shall be parked overnight on private property or within street rights of way.*
- 2. In Multi-family zone districts open storage of recreational vehicles and shelters must be in areas set aside for this purpose.

10-(3)(K)(n) Recycling Depository or Collection Containers²⁶¹

- 1. In Commercial zone districts Recycling Depository Collection Containers should be located in large parking lots, at shopping plazas centers and/or mall parking areas.
- 2. The location of Recycling Depository Collection Containers shall not interfere with traffic flows and pedestrian safety.
- 3. Lighting should directly illuminate this use and no lighting shall illuminate other land uses.
- 4. Loading and unloading shall minimize traffic flow conflicts through appropriate siting.
- 5. A buffer space of twenty (20) feet, appropriately marked for parking and/or loading/unloading, shall be provided on all sides of the automated recycling center. No other commercial use, including existing parking spaces shall exist in the buffer area.

- 6. There shall be only one permanent sign no more than forty (40) square feet and no more than twelve (12) feet from ground level. No blinking, flashing or revolving signs or lights, nor any artificial light that shines upon adjacent property shall be allowed. No sign mounted on a chassis with wheels is allowed, nor any other nonfreestanding sign.

10-(3)(K)(o) Wireless Communication Facilities²⁶²

- 1. The requirements specified below shall apply to all commercial Wireless Communication Facilities used for such purposes, but not limited to, television, radio, and microwave signal transmission/reception:
 - a. *Wireless Communication Facilities shall be located on a continuous parcel with a distance from the base of the Wireless Communication Facilities to all boundaries of the parcel that equal to the height of the Wireless Communication Facilities as measured from ground level.*
 - b. *All Wireless Communication Facilities and all associated accessory facilities, including fencing, shall maximize the use of building materials, colors and textures designed to blend and harmonize with the natural surroundings and/or with the structure to which it may be affixed; this shall include the utilization of stealth or concealment technology where possible. Antennas and towers shall be galvanized and/or painted with a rust preventative paint of an appropriate color to harmonize with the surroundings and shall be maintained as such.*
 - c. *All applicable regulations of the Federal Communications Commission (FCC) shall be met.*
 - d. *Communications facilities may be approved for comounting on public or multiple antenna structures, subject to the approval of the planning department. (Ord. C99-5, 9-28-1999; and. Ord. C2005-10, 1-10-2006; Ord. 2007-02, 3-13-2007; Ord. 2013-5, 9-24-2013; Ord. 2014-4, 6- 24-2014)*

²⁶¹ Current standard from Section 10-4D-3D1

²⁶² Current standard from Section 19-4D-3M, revised for clarity

10-3(L) TEMPORARY USES

10-(3)(L)(a) Temporary, Storage Yard²⁶³

1. Temporary storage yards during a development project are permitted, provided it complies with the standards below:
 - a. Any applicable governmental permits shall be obtained, prior to the use of the site for temporary storage.
 - b. Temporary storage yards shall only be used to store construction materials needed for a development project occurring on the lot or within a subdivision of which the lot is a part of.
 - c. Storage yards shall be set back ten (10) feet from any lot line.
 - d. Materials stored in open yards shall be properly secured, fenced in or screened from views, to avoid hazards, visual clutter or fugitive dust.
 - e. Temporary storage shall be installed and removed as follows:
 - f. Temporary storage shall be installed only at the commencement of construction activities, after a building permit has been issued and/or the final plat approval has been given.
 - g. Temporary storage shall be removed within two (2) weeks after the project is completed.
 - h. If a project has been dormant for a period of six (6) months or more, the temporary storage shall be removed and the disturbed ground upon which the structure was installed shall be restored.

10-(3)(L)(b) Temporary, Structure²⁶⁴

1. Temporary structure may serve as an office or similar use while a development project is under construction, provided it complies with the standards below:
 - a. Any applicable permits pursuant to **Section X.X (Procedures)** are obtained prior to the erection of the temporary structure.

- b. Temporary structures are only permitted in conjunction with the development of:
- c. An approved residential subdivisions, mobile home parks, mobile recreational vehicle shelter parks, or
- d. The construction of commercial, multi-family, institutional, recreational or industrial buildings.
- e. Temporary structures are not permitted in conjunction with the construction of an individual single-family dwelling on a single lot unrelated to development elsewhere in the subdivision.
- f. Temporary structure are only permitted for use of onsite construction, sales or security purposes in connection with the project on which the structure is located, provided the conditions listed below are met:
- g. The structure is used in conjunction with the rental or sale of mobile homes from licensed mobile home sales lots.
- h. Temporary structure shall not be used as a residence.
- i. Temporary structures shall be located at least ten (10) feet from any lot line.

10-(3)(L)(c) Temporary, Dwelling²⁶⁵

1. Temporary Dwellings are permitted while a development project is under construction, provided it is associated with a principle permissive use for the underling base district pursuant to Figure 10-3-1: USE TABLE and following regulations are met:
 - a. This use is permitted thirty (30) days before a construction project begins until thirty (30) days after the construction was completed.
 - b. If this use is associated with a special event approved by the City of Gallup, the dwelling is permitted on the site seven (7) days prior to the event until (7) seven days after the event was completed.

²⁶³ Current standard from Section 10-4C-50, revised or clarity

²⁶⁴ Current standard from Section 10-4D-2N, revised or clarity

²⁶⁵ New use, new standard

10-(3)(L)(d) Temporary, Mobile Vendor Unit²⁶⁶

1. Vendors must comply with general noise restrictions and all other relevant requirements and restrictions of local, state, and federal law.
2. Vendors must acquire all applicable State and City of Gallup permits and/or licenses which shall be properly and conspicuously displayed at all times during operations.
3. Vendors that sell prepared foods shall not stay at any one location or site for more than six (6) hours at a time.
4. Vendors that sell produce shall be limited to not more than two (2) licenses per year. Each license shall be valid for a maximum of ninety (90) calendar days per license at a single location. Changes of location to qualify for new licenses shall be of a minimum distance of three hundred feet (300').
5. Vendors or their designee must be present at all times except in cases of an emergency.
6. Traffic signals or regulatory signs shall not be obstructed.
7. Vendor shall not obstruct ingress or egress of the abutting property owner or tenant shall not be.
8. Vendors shall not create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles. (Ord. C2004-8, 7-27-2004)
9. Vendors are permitted to operate between the hours of eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M., unless a special exception is granted by the City of Gallup.
10. Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind generated from the operation of their businesses. All trash or debris accumulating within twenty (20) feet of any vending stand shall be collected by the vendor and deposited in a trash container.
11. Vendors shall provide trash receptacles, maintained and emptied regularly and marked as trash receptacles.
12. Mobile Vendors Unit occupying private property shall comply with the following regulations:

- a. *Mobile Vendors Unit have to acquire written permission from the property owner for use of the site and allowed location on the site, a copy of which shall be kept and maintained in the food truck and made available for review by the City, if required.*
 - b. *On lots measuring less than one half (½) acre, one (1) food truck is permitted, lots measuring between one half (½) and one (1) acre, two (2) food trucks are permitted, lots measuring one (1) acre and more, a maximum of three food trucks shall be permitted.*
 - c. *The use must be located on a paved or sturdy surface on private property.*
3. Mobile occupying located within public right of way shall comply with the following regulations:
- a. *Mobile Vendor Unit must comply with general parking regulations.²⁶⁷*
 - b. *Mobile Vendor Units shall be limited to five (five) contiguous hours at the same location.²⁶⁸*
 - c. *Mobile vendors shall be located:²⁶⁹*
 - d. *A minimum of ten (10) feet away from any intersection.*
 - e. *A minimum of fifteen (15) feet away from any fire hydrant.*
 - f. *A minimum ten (10) feet from any driveway, loading zone or bus stop.*
 - g. *Within fifty (50) feet of another vending location assigned to another vendor on a public sidewalk.*
 - h. *Within twenty (20) feet of a building entrance or exit or, in the case of a hotel or motel, within ten (10) feet of building entrances or exits.*
 - i. *On the median strip of a divided roadway unless the strip is intended for use as a pedestrian mall or plaza.*
 - j. *Against display windows of fixed location businesses.*
 - k. *Within fifty (50) feet of a hospital, college, university, elementary school, middle school or high school, unless written permission is given by the location administrator.*
 - l. *Within ten (10) feet of any fire hydrant or fire escape.*

²⁶⁶ Current standards from Ordinance No. C2011-1, and national best practices

²⁶⁷ New standard to reflect national best practices

²⁶⁸ New standard to reflect national best practices

²⁶⁹ Current standards from Ordinance No. C2011-1

- m. *Within ten (10) feet of any parking space or access ramp designated for persons with disabilities. (Ord. C2004-8, 7-27-2004)*
 - n. *Mobile vendor units shall not be left unattended at any time or be left in a public space overnight.*
 - o. *Mobile vendor units are not permitted to sell to any person standing in the street.*
 - p. *Associated items such as chairs, tables, displays, signs, or the like, are not permitted to be placed on a public sidewalk or in the street.*
 - q. *The mobile food unit may not operate on the same residential property more than 12 days per year.*
4. Prepared Food Vendors shall not stay at any one location or site for more than four (4) hours at a time.

- 3. A minimum of three (3) off-street parking spaces per rental space on the premises.
- 4. A maximum of one permanent advertising sign and two (2) removable advertising signs (maximum size of 4 feet by 8 feet) are permitted to be displayed during actual operation.
- 5. Adequate sanitary facilities, either portable or permanent in nature, shall be provided on the site.
- 6. Automobiles, motorcycles, watercraft, personal services or any item prohibited by local, state or federal law shall not be displayed or offered for sale. All merchandise displayed or offered for sale and all litter shall be removed from the premises at the end of each day. Adequate refuse containers shall also be provided to control litter during the hours of operation.

10-(3)(L)(e) Garage or yard sale²⁷⁰

- 1. Garage or yard sale shall be limited to a total of ten (10) calendar days per year per dwelling/lot.
- 2. Hours of operation shall occur between seven o'clock (7:00) A.M. and five o'clock (5:00) P.M.
- 3. This use is permitted to operate on Thursday, Friday, and Saturday only.
- 4. The property on which the sale occurs, shall remain be maintained to be kept free of trash and debris. Any items not sold shall be immediately removed from visible sight at the completion of the yard sale. (Ord. C2005-6, 7-12-2005; and. Ord. 2007-07, 9-25-2007; Ord. 2009-8, 10-28-2009; Ord. 2009-9, 10-28-2009)"

10-(3)(L)(f) Temporary/Seasonal sales or event²⁷¹

- 1. The number of rental spaces shall not exceed eighty (80) spaces per gross developable acre.
- 2. This use shall not create conflicts with pedestrian circulation and pedestrian facilities and vehicles backing up on public streets shall be avoided.

²⁷⁰ Current standards from Section 10-4D-2P, revised for clarity

²⁷¹ Current standard from Section 10-4D-3F, revised for clarity

10-4- DEVELOPMENT STANDARDS

10-4(A) PARKING AND LOADING REQUIREMENTS

10-(4)(A)(a) On- and Off-Street Parking Requirements

10-(4)(A)(a)(i) Purpose:

This section establishes standards for on- and off-street parking requirements for new development and redevelopment projects to provide adequate parking spaces for all modes of transportation. The standards establish the supply, design and location of designated parking areas, to help avoid spillover parking into adjacent neighborhood streets and control and mitigate potential negative impact on the environment and neighborhoods. The off-street parking provisions are intended to help protect the public health, safety, and general welfare by mitigating traffic congestions; encourage multi-modal transportation options; help reduce stormwater runoff and provide flexibility in responding to transportation demands needs.

10-(4)(A)(a)(ii) Applicability:

The provisions of this section apply to the following:

1. All parking lots / structures accessory to any building constructed and to any use established in every district unless otherwise stated in the Gallup Development Standards.
2. New construction of multi-family, mixed-use, or non-residential structures;

3. Expansions and / or change of use of existing multi-family, mixed-use, and non-residential structures of twenty five percent (25%) or more of building floor area;
4. Renovations to existing mixed-use or non-residential structures exceeding fifty thousand dollars (\$50,000) in improvements shall provide off street parking facilities as required for the more intense or new use.

10-(4)(A)(a)(iii) Exception:

The following shall be exempt from parking requirements. If parking is provided, parking areas shall comply with Section 10-(4)(A)(a)(v)(A) Parking Space Layout and Design, and Section 10-4(C) Landscaping and Screening:

1. Expansion:
 - a. *Structure / uses expanded by less than twenty five percent (25%) gross floor area, provided that any existing off-street parking remains unaltered.*
2. Change of Use:
 - a. *A use / structure that does not meet the parking requirements of this section may acquire a variance if the Planning and Development Director determines the following conditions are met:*
 - i. *The maximum amount of parking spaces possible is provided without removing or partially removing a structure.*
 - ii. *The amount of parking provided amounts to at least eighty (80) percent of the parking required for the use / structure.*

10-(4)(A)(a)(iv) Parking Reduction²⁷²

Parking requirements may be reduced by factors listed below. Reductions may be applied individually or in combination, but shall not exceed fifty percent (50%) of the parking spaces required.

1. Shared parking²⁷³

²⁷² New to add flexibility and integrate national best practices.

²⁷³ New Standard added for shared parking. A reduction for parking requirements can be applied if peak parking demands of different uses don't overlap.

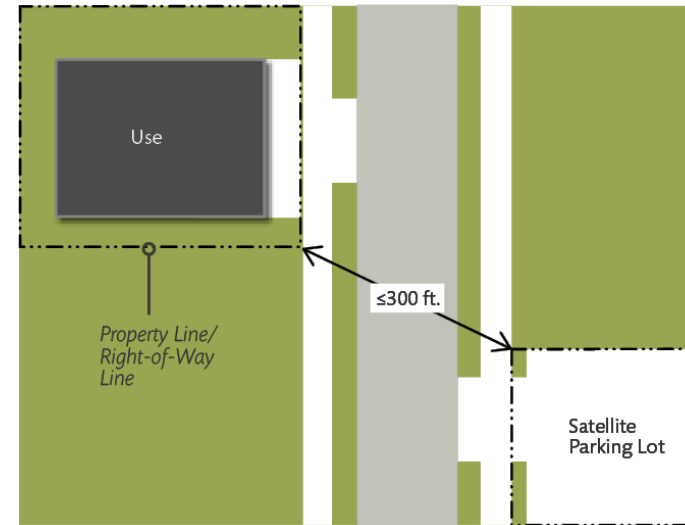
- a. *Parking requirements may be reduced if two uses share the same parking areas and can demonstrate that per Section 10-4)(A)(a)(iv) Parking Reduction by Use their hours of peak parking demand don't overlap. The Planning and Development Director may grant a reduction of up to 25%.*
- b. *The Planning and Development Director reserves the right to determine whether a shared parking reduction may be granted and how high this parking reduction may be.*

Figure 10-4-1: Peak Parking Demand by Use		
Weekday Peak	Evening Peak	Weekend Peak
Financial Institution	Auditorium or Theater	Religious Institution
Civic & Institutional Uses, not Religious Institution	Food and Beverages	Retail and sales
Manufacturing	Logging	Recreational and Entertainment, not Auditorium or Theater
Offices and Services		
Professional services		

1. Satellite Parking

- a. *In all Mixed-use and Non-residential districts off-street parking requirements may be met through parking provided on a satellite lot²⁷⁴.*
- b. *No more than thirty percent (30%) of the required off street parking spaces shall be located in a satellite parking lot.²⁷⁵*
- c. *Parking lots required to comply with the Federal Americans with Disabilities Act shall not be located in a satellite lot.*
- d. *Satellite lots shall be adjacent to or within three hundred feet (300'), as indicate by Figure 10-4-2, of the use and/or building they serve measured from the nearest point on the nearest property line or the lot or lots on which the regulated use is located to either the nearest point on the nearest property line of the lot or lots upon which the Satellite lot is located.²⁷⁶*

Figure 10-4-2: Satellite Parking Lot Location



- e. *The planning and zoning commission may grant special exceptions for satellite parking facilities to be located further than three hundred feet (300') from the use they serve when used exclusively for employee parking.²⁷⁷*
- f. *The satellite lot must be maintained and operational as long as the use and/or building exists.*
- g. *The application for building permit shall include proof of ownership or lease agreement of the satellite parking lot in connection with the use and or building that will appropriate the satellite parking lot for the purpose of satisfying off-street parking requirements. If the building permit is authorized, the applicant shall file the aforementioned document in the office of the county clerk.²⁷⁸*
- h. *The satellite lot shall be subject to the same improvements as the main site. The applicant will be responsible for any required improvements (e.g. connecting pathway, walkway, or sidewalk*

²⁷⁴ Satellite Lot Definition: A Satellite Lot is a parking lot that provides parking for a use not located on the same lot or parcel, provided the satellite lot is within three hundred feet (300 ft.) of the use. The Satellite lot shall be designed according to the standards provided in the Gallup Land Development Standards.

²⁷⁵ 10-4C-D.11.d

²⁷⁶ Current 10-4C-D.11.a revised for clarity

²⁷⁷ 10-4C-D.11.e

²⁷⁸ 10-4C-D.11.b

between the main building / use and the satellite parking lot).²⁷⁹

2. Downtown Overlay District²⁸⁰

- a. *In the Downtown Overlay District parking requirements are reduced as follows:*
 - i. New construction: New construction shall comply with the required number of parking spaces outline in Table XX. The number of required parking spaces may be reduce by thirty percent (30%) if the applicant can demonstrate that conformance with the requirements is not feasible.
 - ii. Expansion: If a use or structure is expanded by more than twenty-five percent (25%) the area by which the use or structure is expanded by shall comply with the required numbers of parking spaces required as outline in table XX.
 - iii. Existing uses / structures: Existing uses and/or structures are not required to provide any off-street parking spaces.

- b. *In all Multi-family zone districts parking is prohibited in the front or side yard except on a driveway. Parking areas shall provide a five (5) foot setback from the property line.*

5. Parking areas be designed so that vehicles do not back into a public street, except for parking associated with single-family residential development.²⁸²
6. All parking within aboveground detached garages and carports shall observe the regulations governing placement of accessory structures as provided for in Section 10-(3)(K)(f) Accessory, Dwelling Structure.
7. Underground parking garages shall only be required to meet a five (5) foot setback from all lot boundaries.
8. Parking areas as principle use shall not exceed one (1) acre in size.²⁸³
9. All parking areas shall be designed and placed as established in Parking Space Layout and Design10-(4)(A)(a)(v)(A) – Parking Space Layout and Design.
10. In all residential zoning districts, tractor trailers, trucks larger than a one ton pickup, commercial buses or similar vehicles shall not be parked overnight on private property or within street rights of way²⁸⁴

10-(4)(A)(a)(v) General Off-Street Parking Standards

1. Parking spaces that meet the minimum size requirements of this section and are located on the same lot as the use they serve shall count towards required parking supply.
2. Parking is allowed in all zoning districts as an accessory use.
3. No parking area shall be used for the sale, storage, repair, dismantling, or servicing of any vehicles, equipment, materials, or supplies.²⁸¹
4. Parking in front or side yards or areas set aside for landscaping is prohibited.
 - a. *In all single-family residential zone districts parking is prohibited in the front yard except on a driveway. Parking is permitted in all other areas of the lot (or mobile home space) provided that a five (5) foot setback from the property line is observed.*

10-(4)(A)(a)(v)(A). Parking Space Layout and Design

Standard sized parking spaces designed for angular parking shall be at least nine (9) feet in width and twenty (20) feet in length.

Parking stalls and aisles shall be provided according to the following requirements in all zoning districts:²⁸⁵

Figure 10-4-3: Parking Stall Dimensions					
Angle	A Stall Width	B Stall Base	C Stall Depth	D Drive Aisle 1-Way	E Drive Aisle 2-Way
45°	9'	14'	20.5'	13'	24'
60°	9'	11.5'	21.5'	18'	24'

²⁷⁹ 10-4C-D.11.c

²⁸⁰ Added parking reduction to replace no parking requirement in the Downtown area. Need to discuss whether this is appropriate

²⁸¹ New

²⁸² Current standard 10-4C-D.9.c

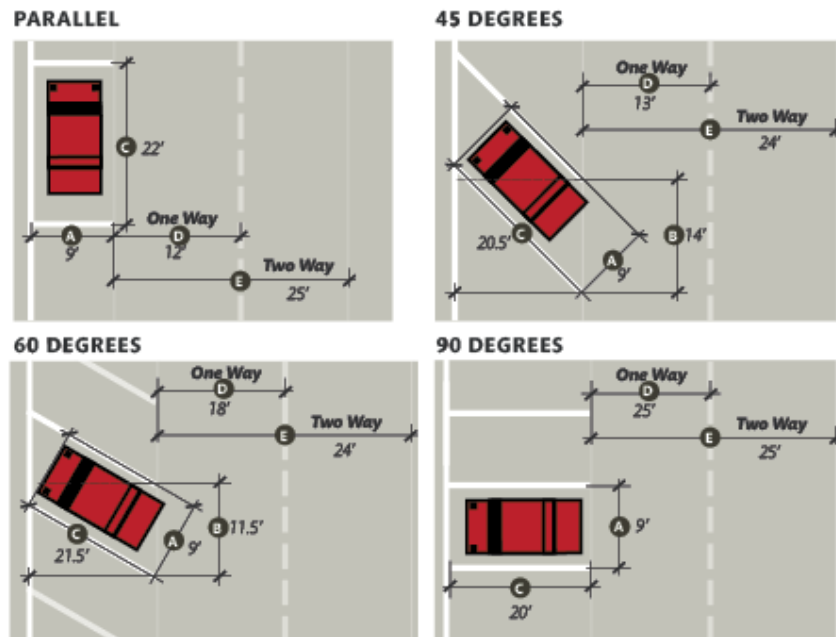
²⁸³ Current Standard 1-4C-1D-2e

²⁸⁴ 10-4C-1D-12

²⁸⁵ Current standard 10-4C-D.9.i

Figure 10-4-3: Parking Stall Dimensions

Angle	A Stall Width	B Stall Base	C Stall Depth	D Drive Aisle 1-Way	E Drive Aisle 2-Way
90°	9'	N/A	20'	28'	28'
Parallel	9'	N/A	22'	12'	28'

Figure 10-4-4: Parking Stall Dimensions

1. Parking areas shall be screened and landscaped as established by Section 10-(4)(C)(d) Landscaping and Screening.
2. Around the perimeter of off-street parking areas and in front of buildings, wheel stops, curbs or similar barrier shall be installed at the

ends of parking spaces. Parked vehicles shall not overhang into landscaped areas or pedestrian walkways.²⁸⁶

3. Parking areas shall be designed to allow access to sanitation, emergency, and other public service vehicles.
4. All exterior lighting in parking areas shall be shielded to ensure that neighboring properties and traffic in public rights of way are not adversely affected.²⁸⁷
5. All sight clearance areas must be maintained as per Section 10-(4)(B)(c) Access and Connectivity.

10-(4)(A)(a)(v)(B). Surfacing and Markings

1. General
 - a. Parking areas shall be paved with either asphalt or concrete. Permeable pavement may be utilized. Permeable pavement includes interlocking pavers, modular pavers, and open-celled paving, or similar materials that allow the infiltration of water and that meet the requirements of the City of Gallup. Permeable pavement does not include gravel, crusher fines and turf.
 - b. All parking areas shall be graded and surfaced to properly drain. Exceptions to the above surfacing requirements may be permitted by the Planning Director for certain uses, i.e. parks, athletic fields, stadiums and temporary outdoor festivals, where there is infrequent need for the parking space and/or the parking space serves alternate uses at times when the parking is not needed.²⁸⁸
 - c. Parking areas shall be properly maintained in all respects. Parking area surfaces shall be kept in good condition (e.g. free from potholes and standing water) and parking space lines or markings should be kept clearly visible and distinct.²⁸⁹
 - d. All parking areas shall be demarcated and striped with painted lines four (4) inches wide, according to the approved parking layout indicated on the site plans.²⁹⁰
 - e. Accessible Parking Space Layout Requirements²⁹¹

²⁸⁶ Current standard 10-4C-D.9.b

²⁸⁷ Current standard 10-4C-D.9.f

²⁸⁸ Current standard 10-4C-D.9.a

²⁸⁹ Current standard 10-4C-D.9.h

²⁹⁰ 10-4C-D.9.d

²⁹¹ Updated requirements to comply with federal ADA requirements

- f. Accessible parking spaces shall be provided within the number of required off-street parking spaces.
- g. Accessible parking shall be provided for all multifamily and non-residential uses as required by the Federal Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) and New Mexico Statutes Annotated, as amended.
- h. Accessible parking spaces shall be located, sized, and constructed as outlined below. All accessible spaces shall meet Federal requirements.
 - i. Accessible spaces must be dispersed among accessible entrances and be located on the shortest accessible route to the entrance they serve.²⁹²
 - ii. All accessible parking spaces must have an access aisle, which allows a person using a wheelchair or other mobility device to get in and out of the car or van.
 - iii. Van access aisles should be eight (8) feet wide, all others should be five (5) feet wide.
 - iv. Access aisles should not overlap the main vehicle route.
 - v. Two parking spaces shall be permitted to share a common access aisle.

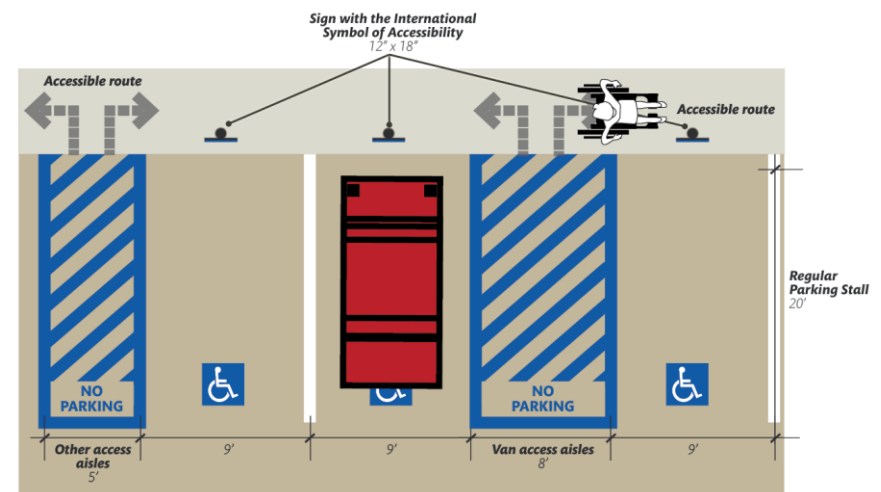
10-(4)(A)(a)(v)(C). Access Aisle Location:

1. Access aisles shall be permitted to be placed on either side of the parking space except for angled van parking spaces, which shall have access aisles located on the passenger side of the parking spaces
2. Each access aisle must adjoin an accessible route.
3. The accessible route cannot be located behind parked cars at the rear of the parking stall or adjacent to a main vehicle route.
4. Accessible parking spaces shall be located closest to the building entrances and dispersed among the various types of parking facilities and uses.

10-(4)(A)(a)(v)(D). Access Aisle Markings and Signage

1. ADA accessible parking spaces shall have a clearly visible, blue, International Symbol of Accessibility painted on the pavement within the rear of the space.
2. ADA access aisles shall have blue, diagonal striping and shall have the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tires would be placed.
3. Where the total number of parking spaces provided is four (4) or less, no International Symbol of Accessibility pavement marking is required.
4. A 12 by 18 inch sign with the International Symbol of Accessibility shall be provided at the head of each ADA accessible parking space. The sign must have the required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing."

Figure 10-4-5: Accessible Parking Layout and Design



The number of accessible parking spaces required is listed below:²⁹³

²⁹³ Current standard 10-4C-D.10.h

²⁹² Current standard 10-4C-D.10.b, updated to reflect Federal requirements

Figure 10-4-6: Accessible Parking Supply

Total Number Of Parking Spaces On Site	Minimum Number Of Required Accessible Spaces	Number Required To Be Van Accessible
1 to 25	1	1
26 to 35	2	1
36 to 50	3	1
51 to 100	4	1
101 to 300	8	2
301 to 500	12	2
501 to 800	16	3
801 to 1,000	20	4
more than 1,000	20 plus 1 space for every 100 spaces, or fraction thereof, over 1,000	1 of every 6 accessible parking spaces or fraction thereof

10-(4)(A)(a)(vi) Required Parking Supply Table²⁹⁴

Unless otherwise provided in the Gallup Land Development Standards, off-street parking spaces shall be provided in accordance with Figure 10-4-7: Required Off-Street Parking Supply. For uses that are not listed in this table the Planning Director shall determine the appropriate parking requirements. Section 10-(4)(A)(c): Vehicle stacking requirements may also be applicable to certain uses.

The number of spaces required shall be rounded to the nearest whole number.

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
Household Living		
Dwelling, Single-family detached	2 spaces per unit.	1 space per DU up to 2 BR 2 spaces per DU with 3 BR or more
Dwelling, Two-family attached (duplex)	"Two-family and multiple-family dwellings: 2 spaces in addition to: • Efficiency dwelling units: 1 space per unit • One bedroom dwelling unit: 1.5 space per unit • Two or more bedroom dwelling units: 2 spaces per unit.	1 space per DU up to 2 BR 2 spaces per DU with 3 or more BR
Dwelling, Cluster Development	New	1 space per DU up to 2 BR 2 spaces per DU with 3 BR or more
Dwelling, Co-housing Development	New	1 space per dwelling unit
Dwelling, Townhouse	"Two-family and multiple-family dwellings: 2 spaces in addition to: • Efficiency dwelling units: 1 space per unit • One bedroom dwelling unit: 1.5 space per unit • Two or more bedroom dwelling units: 2 spaces per unit.	1 space per DU up to 2 BR 2 spaces per DU with 3 or more BR

²⁹⁴ The Required Parking Supply Table was updated to correspond to our new use categories. Requirements were also, as much as possible, tied to square footage rather than number of employees to allow to better quantify

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
Dwelling, Live-Work	New	1 per dwelling unit in addition as required for the commercial use
Dwelling, Multi-family	Two-family and multiple-family dwellings: 2 spaces in addition to: <ul style="list-style-type: none"> • Efficiency dwelling units: 1 space per unit • One bedroom dwelling unit: 1.5 space per unit • Two or more bedroom dwelling units: 2 spaces per unit. 	1.5 spaces per DU, plus 1 guest space per each 5 dwelling units
Dwelling, Mobile Home	2 spaces per unit.	2 spaces per mobile home
Group Living		
Assisted Living Facility	1 space for every 5 residents or 1 space for each employee, whichever parking requirement is greater.	Nursing Home: 1 space for every 5 residents Assisted Living: 1 per 3 beds Independent Living Facility: 1 space per DU
Convent or Monastery		1 space per 1,000 square feet
Fraternity or Sorority	2 spaces in addition to 1 space for each person, resident, or member.	5 space for every 1,000 square feet
Residential Community Facility	New	2 space per 1,000 square feet
Emergency and Protective Shelter	New	2 space per 1,000 square feet

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
Group Residential Facility	1 space for every 5 residents or 1 space for each employee, whichever parking requirement is greater.	2 space per 1,000 square feet
Civic & Institutional Uses		
Assembly Facility		1 space per 1,000 square feet GFA
Civic Building	1 space for each 200 square feet of floor area used by the public, 1 space for each 500 square feet of floor area not used by the public.	5 space for each 1,000 square feet of floor area used by the public, 1 space for each 500 square feet of floor area not used by the public.
Cemetery		No requirement
Community / Recreation Center	1 space per 250 square feet of floor area.	4 space for each 1,000 square feet
Correctional Facility	New	3 spaces per 1,000 square feet gross floor area
Day Care Center, (≤ 7)	2 spaces, plus a stacking lane 15 feet in width and 30 feet in length per 10 students.	2 space per 1,000 square feet of gross floor area
Educational Facility, Training Center	1 space per staff member on the largest work shift, plus 1 space per 2 students of the largest class attendance period.	1 space per staff member on the largest work shift, plus 1 space per 2 students of the largest class attendance period.

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
Educational Facility, Post-Secondary	1 space per 10 seats in main assembly room or 2 spaces per classroom, whichever is greater, plus 1 space for each staff member.	2 spaces per 1,000 square feet
Educational Facility, Primary / Secondary	1 space per staff member on the largest work shift, plus 1 space per 2 students of the largest class attendance period.	5 spaces per 1,000 square feet
Public Safety Facilities, Substation	1 space for each 200 square feet of floor area used by the public, 1 space for each 500 square feet of floor area not used by the public.	5 space for each 1,000 square feet of floor area used by the public, 2 space for each 1,000 square feet of floor area not used by the public.
Public Safety Facilities, Major	1 space for each 200 square feet of floor area used by the public, 1 space for each 500 square feet of floor area not used by the public.	5 space for each 1,000 square feet of floor area used by the public, 2 space for each 1,000 square feet of floor area not used by the public.
Hospital	1 space for each 2 beds, in addition to 1 space for each employee on the maximum shift.	1 space per 2 beds design capacity or 2 spaces per 1,000 sq. ft. GFA, whichever is greater
Library or Museum	1 space per 250 square feet of floor area.	4 space per 1,000 square feet of floor area.
Parks and Open Space		No requirement

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
Religious Institution	1 space per 4 seats in the primary assembly room; provided, that the number of spaces required may be reduced by up to 50 percent if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner without charge.	1 space per 4 seats in the primary assembly room; provided, that the number of spaces required may be reduced by up to 50 percent if the place of worship is located within 500 feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owner without charge.
Agriculture Uses		
Agriculture, General		No requirement
Agriculture, Livestock	New use	No requirement
Community garden	New use	No requirement
Animal Care Uses		
Equestrian facilities		No requirement
Kennel	1 space for each 300 square feet of floor space.	3 spaces per 1,000 square feet of floor area.
Veterinary Hospital or Clinic		3 spaces per 1,000 square feet of floor area.
Other Pet Services		3 spaces per 1,000 square feet of floor area.

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
Food And Beverage		
Restaurant, Small (≥3K)	1 space for each 100 square feet of floor area, in addition to 1 space for each 2 employees on the maximum shift. 1 space for each 200 square feet of outdoor patio area. Drive-up window establishments are required to provide a stacking lane at least 12 feet in width and 150 feet in length.	10 spaces per 1,000 square feet of floor area. 1 space for each 200 square feet of outdoor patio area.
Restaurant, Large (≤3K)	1 space for each 100 square feet of floor area, in addition to 1 space for each 2 employees on the maximum shift. 1 space for each 200 square feet of outdoor patio area.	
Liquor Sales, off premise	3 spaces, plus 1 space for each 300 square feet of floor area.	5 spaces per 1,000 square feet of floor area
Tap Room/Tasting Room		10 spaces per 1,000 sq. ft. GFA or 1 space per 3 persons design capacity, whichever is greater. 1 space for each 200 square feet of outdoor patio area.
Recreation and Entertainment		

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
Adult Entertainment		10 spaces per 1,000 square feet of floor area or 1 space per 3 persons design capacity, whichever is greater.
Auditorium or Theater	1 space for each 100 square feet of floor area, in addition to 1 space for each employee on the maximum shift.	10 spaces per 1,000 square feet of floor area or 1 space per 3 persons design capacity, whichever is greater.
Golf Course	1 space for each 10 linear feet of practice tees, and 4 spaces for each green, in addition to parking requirements for auxiliary use such as restaurants, bars and clubs.	1 space for each 10 linear feet of practice tees, and 4 spaces for each green, in addition to parking requirements for auxiliary use such as restaurants, bars and clubs.
Health Club or Gym		3 spaces per 1,000 square feet of floor area
Indoor Entertainment Venue		10 spaces per 1,000 square feet of floor area or 1 space per 3 persons design capacity, whichever is greater. 4 spaces for each court or bowling lane, in addition to 1 space for each employee on the maximum shift
Recreation Facility, indoor	2 spaces in addition to 1 space for each person, resident, or member.	3 spaces per 1,000 square feet of floor area

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
Recreation Facility, outdoor	4 spaces for each court or bowling lane, in addition to 1 space for each employee on the maximum shift.	4 spaces per 1,000 square feet of floor area
Shooting Range[36]		5 spaces per 1,000 square feet of floor area
Zoological Park		8 spaces per 1,000 square feet
Bed and Breakfast		1.2 space per guest room
Boarding House	2 spaces in addition to 1 space per sleeping room.	1.2 space per guest room
Campground or Recreational Vehicle Park		1 space per designated camping or RV space
Hotel or Motel	1 space for each sleeping room in addition to 1 space per employee on average shift, plus any additional spaces required for auxiliary uses such as restaurants, lounges, and shops.	1.25 space / rental unit
Short-Term Rental		As required by type of Dwelling Unit
Motor Vehicle-Related		
Car wash, Small (≥ 3 bays)	New use	1 space per 2 bays for self-service vehicle washes (bay does not count as a parking space); 1 space per unattended, automated wash; 5 spaces per
Car wash, Large (≤ 7 bays)	New use	

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
		attended, automated wash with detail or hand-finishing services Required Stacking space: 3/ Outside of washing bay
Light Vehicle and Equipment Sales, Rental, and Repair/Service	5 spaces.	1 space for each company vehicle in addition to 3 space for each 1,000 square feet of interior floor area.
Heavy Vehicle and Equipment Sales, Rental, and Repair/Service	1 space for each company vehicle in addition to 1 space for each 350 square feet of interior floor area, or 5 spaces, plus 1 space for each employee, whichever is greater.	
Parking Lot, Commercial		No requirement
Parking Structure, Commercial		No requirement
Offices and Services		
Construction Contractor Facility and Yard		No requirement
Club or Event Facility		10 spaces per 1,000 square feet of floor area. 1 space for each 200 square feet of outdoor patio area. Drive-up window establishments are required to provide a

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
		stacking lane at least 12 feet in width and 150 feet in length.
Financial Institutions	1 space per 200 square feet of floor area within main building and manned drive-up buildings, plus 1 stacking lane 12 feet in width and 150 feet in length. For multiple drive-up stations, each stacking lane shall be 120 feet.	2 spaces per 1,000 sq. ft. GFA Required Stacking spaces, see Section XX, Stacking requirements
Funeral Home or Mortuary	1 space per 50 square feet of floor area in funeral service area plus 1 space for each 250 square feet of office space. Parking lanes shall be provided 15 feet in width, and 100 feet in length.	1 space per 50 square feet of floor area in funeral service area plus 1 space for each 250 square feet of office space. Parking lanes shall be provided 15 feet in width, and 100 feet in length.
Office, Business or Professional	1 space for each company owned vehicle, plus 1 space for each 300 square feet of floor space.	4 spaces per 1,000 square feet
	2 spaces, plus 1 space for each 300 square feet of floor area.	5 spaces per 1,000 square feet

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
Personal Services	1 space for each 250 square feet of floor area.	4 spaces per 1,000 square feet
	1 space for each 300 square feet of floor space.	
	1 space for each 200 square feet of floor area in patient waiting and examination rooms, plus 1 space for each employee.	
Self-Storage	3 spaces, plus 1 space for each 100 storage units, exclusive of long term vehicle storage.	3 spaces, plus 1 space for each 100 storage units, exclusive of long term vehicle storage.
Retail Sales		
Adult Retail		4 spaces per 1,000 square feet
Greenhouse or Plant Nursery		2 spaces per 1,000 square feet
Retail Kiosk		No requirement
Retail Sales, Convenience (\geq XK)	3 spaces, plus 1 space for each 300 square feet of floor area.	4 spaces per 1,000 square feet
Retail Sales, General (X-XK)		4 spaces per 1,000 square feet
Retail Sales, Heavy (\leq XK)	1 space for each 200 square feet of floor area.	5 spaces per 1,000 square feet
Manufacturing, Production and Extraction		

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
Manufacturing, Artisan	1 space per maximum number of employees per shift, plus 1 space for each company owned truck/vehicle, in addition to 1 space per 1,000 square feet of floor area.	1 spaces per 1,000 square feet
Manufacturing, Light		1 spaces per 1,000 square feet
Manufacturing, Heavy		1 spaces per 1,000 square feet
Natural Resource Extraction		No requirement
Waste and Salvage		
Recycling Facility		No requirement
Solid Waste Facility		No requirement
Salvage, demolition and junkyards		No requirement
Wholesaling and Storage		
Warehousing, Wholesale, and Distribution	1 space per employee, plus 1 space per 2,000 square feet of floor area up to 30,000 square feet.	0.5 spaces per 1,000 square feet
Transportation		
Airport		No requirement
Freight Transfer Terminals		No requirement
Heliport		No requirement
Rail Yard		No requirement
Train Station		No requirement

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
Transit Stations		No requirement
Truck Stop		No requirement
Telecommunications And Utilities Uses		
Utilities, major		No requirement
Utilities, minor		No requirement
Wireless Communications Facility		No requirement
Antenna, non-commercial		No requirement
Accessory Uses		
Automobile Fuel Pumps		Required Stacking spaces, see Section XX, Stacking requirements
Bars or Nightclubs		10 spaces per 1,000 square feet
Community/Business Amenity		3 spaces per 1,000 square feet
Daycare, Home (≥6 children)		3 spaces per 1,000 square feet gross floor area
Daycare, Center (≤7 children)	2 spaces, plus a stacking lane 15 feet in width and 30 feet in length per 10 students.	3 spaces per 1,000 square feet gross floor area
Drive-Through or Drive-up Facility	1 space per 200 square feet of floor area plus 1 stacking lane 12 feet in width and	Required Stacking spaces, see Section XX, Stacking requirements

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
	150 feet in length for each drive-up window.	Required Stacking space: 6/per drive-up window
Dwelling, Accessory Unit		1 space / accessory dwelling unit
Dwelling, Dorms		5 spaces per 1,000 square feet
Accessory Structures		No requirement
Greenhouse		No requirement
Home Occupation		No requirement
Large Animal Raising		No requirement
Office / Sales Area		2 spaces per 1,000 square feet GFA
Outdoor Recreational Vehicle Storage		No requirement
Outdoor Dining Area		5 spaces / 1,000 square feet GFA outdoor seating space
Outdoor Sales Display Areas		No requirement
Outdoor Storage	1 space for each 1,000 square feet of floor area. In cases of wholesale establishments where more than 30 percent of the total floor area is used for storage, 70 percent of the	No requirement

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
	given storage area shall be used for parking computations.	
Recycling Depository or Collection Containers		No requirement
Residential Community Amenity		3 spaces / 1,000 square feet
Wireless Communications Facilities		No requirement
Temporary Uses		
Temporary Dwelling		1 space / DU
Temporary Garage or yard sale		No requirement
Temporary Mobile Vendor Unit		No requirement
Temporary Open Air Market	1 space for each display stand or area and 1 space for every 200 square feet designated as the entire display area.	1 space for each display stand or area and 1 space for every 200 square feet designated as the entire display area.
Temporary Storage Yard		No requirement
Temporary Structure		No requirement

Figure 10-4-7: Required Off-Street Parking Supply

New Use Type	Gallup Existing Standard	Revised Parking Standards
Temporary/Seasonal sales or event		4 spaces / 1,000 square feet of stall area

10-(4)(A)(a)(vii) On-Street Parking Requirements²⁹⁵

1. One (1) on-street parking space abutting the property may be counted as one (1) required off-street parking space. Ten (10) percent of the required parking may be counted as on-street parking spaces, if on-street parking is available. Each parking space shall only be counted once. Only parking spots directly abutting any property line shall be counted.
2. On-street parking spaces dedicated to a specific use shall not be reserved exclusively for this use, but shall be available for general public's use at all times. No signage or actions limiting general public use of on-street spaces shall be allowed.
3. On-Street parking spaces shall be designed as established in *Figure 10-4-3: Parking Stall Dimensions*

10-(4)(A)(a)(viii) Bicycle Parking Requirements**10-(4)(A)(a)(viii)(A). Applicability:**

All multi-family and nonresidential development shall provide bicycle parking as established below.²⁹⁶

Figure 10-4-8: Number of required bicycle parking spaces

Amount of Vehicle Parking Provided	Number of Required Bicycle Parking Spaces
< 50	3
51-100 spaces	4
101-150 spaces	5
> 150 spaces	5, plus 1 space per each 50 vehicle spaces provided after the first 150 spaces

²⁹⁵ New provision - no provisions for on-street parking existed

10-(4)(A)(b) Loading Requirements**10-(4)(A)(b)(i) Applicability**

The provisions of this section apply to all uses in all zone districts that require loading to receive or distribute materials, goods and services.

10-(4)(A)(b)(ii) Location, dimensions and supply²⁹⁷

1. Loading spaces shall be located on the same lot as the use and/or structure they serve.
2. Trucks parked in the loading area shall not encroach into required parking spaces or required setbacks.
3. Parked trucks loading or unloading materials shall not block travel lanes in parking lots or fire lanes.

Figure 10-4-9: Required Loading Spaces Supply and Dimensions:

Gross Floor Area	Min. Number of Required Loading Spaces	Min. Size of Required Loading spaces
10,000	1	twelve feet by forty five feet (12' x 45') with an overhead clearance of fourteen feet (14') from the street grade

10-(4)(A)(c) Stacking Requirements**10-(4)(A)(c)(i) Applicability**

The provisions of this section apply to all uses that require on-site drop-off and / or pickup of goods and services and/or services requiring a vehicle to queue in line or for off-site curb cuts that require stacking lanes.

²⁹⁶ Current Standard 10-4C-5C

²⁹⁷ Current standard 10-4C-1D-14, revised and updated for clarity

10-(4)(A)(c)(ii) Required location, dimensions and supply²⁹⁸

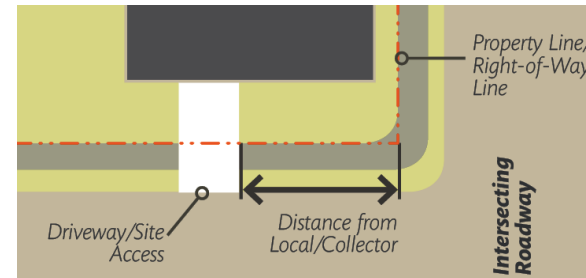
1. On-site:
 - a. *Vehicle stacking spaces shall be a minimum of nine (9) feet by twenty (20) feet.*
 - b. *Vehicle stacking spaces shall not interfere with the access to parking spaces or internal site circulation.*
 - c. *Stacking queues shall not back into the public right of way or pedestrian facilities.*

Figure 10-4-10: Required Drive-Through Stacking Supply	
Use	Minimum Required Stacking Spaces (per lane)
Financial Institution, or Automated Teller Machine	4/ Teller window / ATM
Drive-Through or Drive-up Facility	6/per drive-up window
Restaurant, other food / beverage establishment	6/per drive-up window
Automobile Fuel Pumps	1/per fuel pump
Car wash (Full Service)	3/per washing bay
Car wash (Self Service / Automated)	1/per washing bay

2. Off-Site:
 - a. *Where curb cuts with stacking lanes are required the following shall apply:*
 - i. *Stacking lane shall be no closer than twenty-five (25) feet from an intersection with a local road.*
 - ii. *Stacking lane shall be no closer than one hundred (100) feet from an intersection with a Collector or Arterials road.*

²⁹⁸ Current standard 10-4C-1D-14, revised and updated for clarity

Figure 10-4-11: Site Access / Driveway Distance from Intersecting Roadway



10-4(B) ACCESS AND CONNECTIVITY

10-4(B)(a) A. Vehicular Site Access and Driveways

10-4(B)(a)(i) Applicability

The provisions of this section apply to intersections, site access, driveways, parking lots and parking structures.

10-4(B)(a)(ii) General Requirements

1. The following standards shall apply to all zoning districts:
 - a. All vehicular site access shall accommodate uninterrupted access for emergency vehicles, as well as all other intended users.
 - b. All sites that have vehicular access onto the public right-of-way shall be designed and constructed so that;
 - i. Vehicles, pedestrians and bicyclists can safely enter and exit the site;
 - ii. Interference with traffic in abutting or surrounding streets is minimized;
 - iii. Site entrances and / or driveways should be combined where feasible to reduce the number of curb cuts.
 - c. No vehicular site access shall be permitted within twenty five feet (25') of the street right of way lines on local streets nor within one hundred feet (100') of the street right of way line on collector and arterial roads.

- d. Requirements for dimension and placement vehicular site access may be adjusted if a conditional use permit is obtained.

2. In all Residential Zone Districts, following standards shall apply for driveway placement and design:
 - a. Residential driveways shall comply with the standards of [Figure 10-4-12](#), which the exception of subsection 2.a.b below;

Figure 10-4-12: Residential Driveways		
Street Frontage Lot Width	Permitted Driveways	Dimensions
< 60 ft.	1	Min. 12 ft. max. 20 ft. wide
60 ft. – 200 ft.	1	Min. 20 ft. max. 30 ft. wide
60 ft. – 200 ft.	2	2 driveways, min 12 ft. max. 30 ft. wide
> 200 ft.	2 plus 1 for each additional 200 ft. of lot width in excess of 200 ft.	> 200 ft.

- b. In the Rural Residential (RR) Districts, the driveway of an individual lot that exceed one hundred fifty (150) feet of frontage, shall be a minimum of thirty (20) feet but may not exceed than forty (40) feet in width.
- c. All driveways fronting a public right-of-way shall be spaced a minimum of ten (10) feet from one another;

- d. *The driveways of lots fronting a state highway right-of-way shall meet the New Mexico Department of Transportation (NMDOT) design requirements.*
- 3. In non-residential zoning districts, vehicular site access shall comply with the following standards:
 - a. *In Non-Residential Zone Districts the site access shall be a minimum of twenty (20) feet but not exceed thirty (30) feet.*
 - b. *Site access for sites that serve large trucks, shall not exceed sixty (60) feet.*
 - c. *All vehicular site access points on a public right-of-way shall be spaced a minimum distance of forty (40) feet from one another.*
 - d. *Vehicular site access on individual lots shall be located at least five (5) feet from the side lot line. If there is a shared vehicular access across lot lines, this provision does not apply. The shared access shall not exceed forty (40) feet. Such shared access shall count as one access point for each abutting lot in computing the number of allowed access points.*

10-(4)(B)(b) Pedestrian Walkways

10-(4)(B)(b)(i) Applicability

The provisions of this section apply to the following:

- 1. All commercial zoning districts, including the Mixed-Use Center (MX-C) district, with developments exceeding fifteen thousand (15,000) square feet of gross leasable floor area; and/or
- 2. Developments with parking lots containing more than one hundred (100) designated spaces.

10-(4)(B)(b)(ii) Location

- 1. All commercial uses shall provide pedestrian walkways that connect the public-right-of way to the use / structure.
- 2. Pedestrian walkways shall be located to encourage pedestrian activities.

- 3. Pedestrian walkways shall be clearly demarcated, visible, and provide convenient access through a coordinated system.
- 4. Within a site, pedestrian walkways shall be provided in the following locations:
 - a. *Between buildings;*
 - b. *Between individual sites;*
 - c. *Between parking areas and the buildings they serve;*
 - d. *Between and throughout plazas, courtyards and open spaces.*

10-(4)(B)(b)(iii) Design

- 1. Pedestrian walkways shall comply with Federal accessibility requirements and fit the character of the site through the choice of materials and design of the walkways.
- 2. Main pedestrian connections shall be a minimum of eight (8) feet.
- 3. Pedestrian walkways shall be constructed in accordance with the City of Gallup Code, Title 7.
- 4. Materials used shall be visually interesting and facilitate general maintenance and snow removal.
- 5. The internal vehicle circulation shall not interfere with pedestrian walkways or parking areas.

10-(4)(B)(c) Clear Sight Triangle

10-(4)(B)(c)(i) Purpose:

- 1. This provision establishes clear sight triangles to provide a sight distance of sufficient length to allow drivers and / or pedestrian and bicyclists to observe the road / site and avoid conflicts.

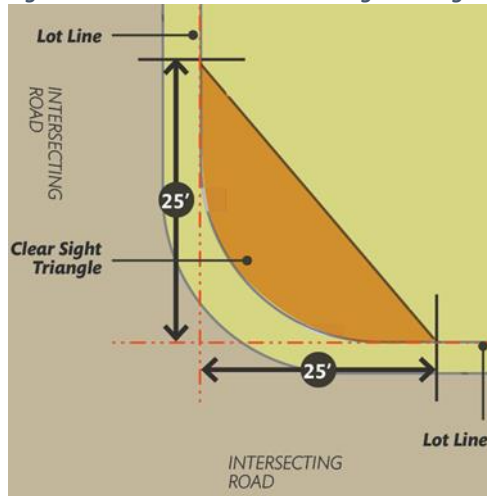
10-(4)(B)(c)(ii) Applicability:

- 1. The provision of this section applies to any roadways, intersection, access point, and driveways in all zoning districts.

10-(4)(B)(c)(iii) General requirements

1. Depending on specific site conditions, adjustments to sight distances may be required.
2. Intersection Clear sight Triangle
 - a. At any intersection of two roadways a clear sight triangle shall be provided to allow for unobstructed sight.
 - i. The clear sight triangle area is measure from the lot lines along the intersecting roads, and a straight line joining those intersecting lines to form a triangle as illustrated in Figure 10-4-13.

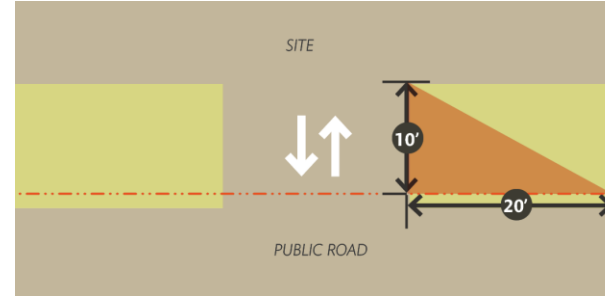
Figure 10-4-13: Intersection Clear Sight Triangle



- b. Objects between three (3) feet and ten (10) feet in height from ground level are prohibited within a clear sight triangle.
3. Streets Clear Sight Triangle for Site Access and Driveways
 - a. For all driveways and/or site access, a clear sight triangle shall be provided to allow for unobstructed sight. The clear sight triangle areas is measured from the lot line parallel to the adjacent road and a line

along the access point and a straight line joining those intersecting lines to form a triangle as illustrated in Figure 10-4-14.

Figure 10-4-14: Streets Clear Sight Triangle for Site Access and Driveways



- b. Objects between three feet (3') and ten feet (10') measured from the ground are prohibited.
 - c. In Single Family Residential Districts, a mailbox may be placed within the clear sight triangle area if the mailbox is constructed on a single pull and does not exceed forty one (41) inch in height and the mailbox does not exceed eleven (11) inch in width.

10-4(C) LANDSCAPING AND SCREENING

10-(4)(C)(a) Purpose

The section provides standards for the installation and maintenance of landscaping and screening devices in order to minimize the adverse effects of development and to generally enhance the quality and appearance of a development site, and the City as a whole. Landscaping facilitates the control of erosion and the reduction of glare and dust, and softens the visual impact of building masses. Buffering and screening devices allow the separation of potentially incompatible uses and the buffering of road noise and intensive activities in order to protect and enhance public and private investments and property values.

10-(4)(C)(b) Applicability

1. New construction of multi-family, mixed-use, or non-residential structures;²⁹⁹
2. Expansions of existing multi-family, mixed-use, and non-residential structures of twenty five percent (25%) or more of building floor area;³⁰⁰
3. Renovations to existing mixed-use or non-residential structures exceeding two hundred thousand dollars (\$200,000) in improvements, which will require landscaping shall be installed for up to twenty percent (20%) of the project valuation;³⁰¹ or
4. Non-compliant buildings

10-(4)(C)(c) Exceptions

1. Single-family development, which shall comply with the following landscape requirements:³⁰²
 - d. *All new residential construction within the RSF and MXN zoning districts shall provide one 2-inch caliper tree within the front yard setback for each one hundred feet (100') of street frontage.*

- e. *The planting must occur prior to the issuance of a certificate of occupancy unless a written agreement to delay installation exists.*
- f. *New irrigated turfgrass shall be prohibited in all residential front yards. Xeric bunch grasses are encouraged in place of irrigated turfgrass.*

10-(4)(C)(d) General Landscape Standards

10-(4)(C)(d)(i) Required Landscape Plan³⁰³

1. A landscape plan indicating the proposed landscape areas, the location, mature size and species of all proposed trees and shrubs, along with foot (1') contour lines shall be submitted as part of the building permit application for all development where landscaping is required.
2. Landscape plans shall be drawn to a scale of either one inch equals ten feet (1" = 10') or one inch equals twenty feet (1" = 20').
3. Prior to design, all underground utility lines must be located and shall be shown on the landscaping plan. Plantings must be located so as to not interfere, either at the time of installation or later, with the function of such underground line.³⁰⁴
4. Plant materials shall be spaced for their mature size to avoid interfering with walkways, doorways, and parking stalls; and to avoid the appearance of a cluttered landscaped³⁰⁵.

10-(4)(C)(d)(ii) Minimum Landscape Site Area

1. A minimum of ten (10) percent of the site shall be landscaped in accordance with the requirements of this section as indicated in Figure 10-4-15: Minimum Landscape Area. For the purpose of this section, the site is defined as the square footage of the entire lot to be developed minus the square footage of any structures and the required parking area.³⁰⁶

²⁹⁹ Based on existing standard 10-4C-2.B.1

³⁰⁰ Based on existing standard 10-4C-2.B.2

³⁰¹ Based on existing standard 10-4C-2.B.4

³⁰² Based on existing standard 10-4C-2.B.5

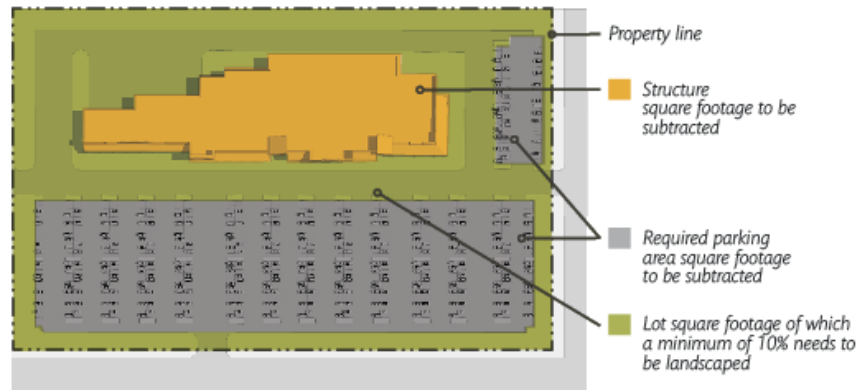
³⁰³ Existing standard 10-4C-2.H

³⁰⁴ 10-4C-2.E.6

³⁰⁵ Existing standard

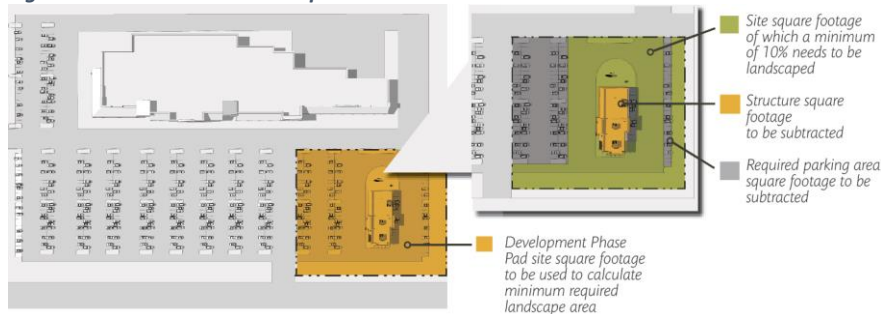
³⁰⁶ Based on existing standard 10-4C-2.B

Figure 10-4-15: Minimum Landscape Area



2. Landscaping for phased development may be determined based only on the square footage of the portion of the lot that is actually being developed per each phase, as indicated in [Figure 10-4-16](#).³⁰⁷

Figure 10-4-16: Phased Development



3. Landscaping of any cut and fills and/or terraces in the required landscape area shall be sufficient to prevent erosion, and all slopes steeper than one (1) foot vertically to three (3) feet horizontally shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability, and environment.³⁰⁸

10-(4)(C)(d)(iii) Type and Amount of Plant Materials

1. Trees and other plant materials should be selected from [Figure 10-4-17: Recommended Plant Palette](#), taking into consideration site specific constraints such as:
 - a. Water demand, drought tolerance, appropriateness of native and naturalized species, and geological and topographical conditions;
 - b. The protection and preservation of native species, appropriate naturalized species, and natural areas; and
 - c. Using high maintenance plants only for accents.

Figure 10-4-17: Recommended Plant Palette

Plant Type	Plant Type	Plant Type
Evergreen Trees	Abies concolor	White Fir
	Cupressus arizonica	Arizona Cypress
	Juniperus monosperma	Singleseed Juniper
	Juniperus scopulorum	Rocky Mountain Juniper
	Picea pungens	Blue Spruce
	Pinus edulis	Pinon Pine
	Pinus flexilis	Limber pine
	Pinus ponderosa	Ponderosa Pine
	Pseudotsuga menziesii	Douglas Fir
	Quercus emoryi	Emory Oak
Deciduous Trees	Acer glabrum	Rocky Mountain Maple
	Acer negundo	Box Elder
	Acer saccharinum	Silver Maple
	Betula papyrifera	Paper Birch
	Celtis laevigata var. reticulata	Canyon Hackberry
	Cercis canadensis	Eastern Redbud
	Chilopsis linearis	Desert Willow
	Fraxinus americana	White Ash
	Gleditsia triacanthos var. inermis	Honey Locust
	Morus alba	Fruitless Mulberry
	Platanus acerifolia	London Planetree
	Populus canadensis	Carolina Poplar
	Populus fremontii	Fremont Cottonwood
	Populus nigra	Lombardy Poplar
	Populus tremuloides	Aspen
	Quercus gambelii	Gambel Oak
	Robinia neomexicana	New Mexico Locust

³⁰⁷ New standards based on comments from city staff and the steering committee.

³⁰⁸ Existing standard 10-4C-2.E.4

Figure 10-4-17: Recommended Plant Palette

Plant Type	Plant Type	Plant Type
Evergreen Shrubs	Robinia pseudoacacia	Black Locust
	Salix amygdaloides	Peachleaf Willow
	Salix matsudana 'Navajo'	Globe Navajo Willow
	Ulmus americana	American elm
	Agave americana	Agave
	Artemisia filifolia	Sand Sage
	Artemisia tridentata	Big Sage
	Atriplex canescens	Fourwing saltbush
	Baccharis salicifolia	Seepwillow
	Cotoneaster lacteus	Parney Cotoneaster
	Cylindropuntia imbricata	Cane Cholla
	Ephedra spp.	Mormon Tea
	Ericameria nauseosus	Chamisa
	Gutierrezia sarothrae	Broom Snakeweed
	Juniperus chinensis	Chinese Juniper
	Juniperus communis	Common Juniper
	Mahonia aquifolium	Oregon Grape
	Mahonia haematocarpa	Algerita
	Nolina microcarpa	Beargrass
	Opuntia engelmannii	Prickly Pear Cactus
	Pinus mugo	Mugo Pine
	Quercus turbinella	Scrub Oak
	Yucca baccata	Banana Yucca
	Yucca glauca	Narrowleaf Yucca
Deciduous Shrubs	Berberis fendleri	Berberis fendleri
	Cercocarpus montanus	Cercocarpus montanus
	Cornus solonifera	Cornus solonifera
	Dasiphora fruticosa	Dasiphora fruticosa
	Fallugia paradoxa	Fallugia paradoxa
	Forestiera neomexicana	Forestiera neomexicana
	Hibiscus syriacus	Hibiscus syriacus
	Krascheninnikovia lanata	Krascheninnikovia lanata
	Lycium pallidum	Lycium pallidum
	Prunus americana	Prunus americana
	Prunus x cistena	Prunus x cistena
	Rhus glabra	Rhus glabra
	Rhus trilobata	Rhus trilobata
	Ribes aureum	Ribes aureum
	Spiraea x bumalda 'Anthony Waterer'	Spiraea x bumalda 'Anthony Waterer'
	Syringa vulgaris	Syringa vulgaris

Figure 10-4-17: Recommended Plant Palette

Plant Type	Plant Type	Plant Type
Groundcovers	Arctostaphylos uva-ursi	Kinnickinnick
	Artemisia ludoviciana	Prairie Sage
	Ceratostigma plumbaginoides	Blue Leadwort
	Cotoneaster horizontalis	Rock Cotoneaster
	Juniperus horizontalis	Creeping Juniper
	Juniperus sabina	Buffalo Juniper
	Santolina chamaecyparissus	Gray Santolina
	Teucrium chamaedrys	Wall Germander
	Vinca minor	Periwinkle
Grasses	Achnatherum hymenoides	Indian ricegrass
	Agropyron smithii	Western Wheatgrass
	Aristida purpurea	Purple threeawn
	Bouteloua curtipendula	Sideoats Grama
	Bouteloua gracilis	Blue Grama
	Buchloe dactyloides	Buffalo Grass
	Hesperostipa neomexicana	New Mexico Feathergrass
	Pleuraphis jamesii	Galleta
	Schizachyrium scoparium	Little Bluestem
	Sporobolus airoides	Alkali Sacaton
	Sporobolus cryptandrus	Sand Dropseed
	Achnatherum hymenoides	Indian ricegrass

2. All vegetation required shall meet the minimum requirements in *Figure 10-4-18: Minimum Plant Materials and Standards*. These standards are minimums and the developer may choose to install more landscaping.

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Figure 10-4-18: Minimum Plant Materials and Standards

Plant Material	Minimum Amount	Species and Size
Trees	Four (4) trees per one thousand (1,000) square feet of landscaped area	Deciduous 1. Two (2) inch minimum caliper trunk* 2. For Multi-trunk trees, minimum of three (3) trunks with a one (1) inch minimum caliper per trunk
		Evergreen ³¹⁰ 1. Two (2) inch minimum caliper trunk* 2. If used for screening requirements in Section 10-(4)(C)(d)(vii), species that grow to a minimum height of required by the buffer type feet at maturity.

³¹⁰ Existing standard 10-4C-2.C.1

³⁰⁹ Statement about minimums added per request of the steering committee at the 1.16.18 review meeting.

Figure 10-4-18: Minimum Plant Materials and Standards

Plant Material	Minimum Amount	Species and Size
Shrubs	Two (2) shrubs per tree	<ol style="list-style-type: none"> At least 30 percent of the required shrubs shall be an evergreen species. Five (5) gallon size in size and grow to a minimum height and width of one (1) foot at maturity. If used for screening requirements in Section 10-(4)(C)(d)(vii), species that grow to a minimum height of required by the buffer type feet at maturity. Large rocks/boulders indigenous to the Gallup area may be substituted for shrubbery for up to one-third (1/3) of the required plantings³¹¹, but no more than five (5), whichever is less. Size of the boulders shall be a minimum of three feet by four feet (3'x 4') in size.³¹²
Groundcover	75% coverage of the ground area, minus the tree and shrub coverage at maturity	<ol style="list-style-type: none"> All portions of the required landscape area not covered by trees and shrubs shall be planted to provide at least seventy-five (75%) percent coverage of the ground area, at maturity. Permissible ground cover includes grass and/or low-lying green plants. Ground cover shall include low shrubs, annual or perennial flowers or native grasses. Decorative bark material and/or stone, gravel, excluding asphalt, concrete or soil that is untreated may be substituted at the discretion of the Planning Director.³¹³ Irrigated turf shall be limited to: <ol style="list-style-type: none"> Ten (10%) percent of total required ground cover for non-residential development Twenty five (25%) percent of the total required ground cover for residential development.

*Caliper measurements shall be taken at the trunk two feet (2') above grade.

- Existing healthy trees and shrubs (i.e. trees that are not diseased, weak, damaged or infected as determined by the Planning Director) may be counted toward the requirements of this section.³¹⁴
- For landscape designs that integrate hardscapes (plazas, courtyards, trails etc.), the hardscape areas may be counted toward twenty-five (25) percent of the overall project site's landscape requirements.³¹⁵ Acceptable hardscape materials include but are not limited to, decorative or stained concrete, concrete pavers, and brick. Asphalt is prohibited for integrated hardscapes.

10-(4)(C)(d)(iv) Irrigation Systems

- The city strongly encourages the use of native or drought tolerant plants without the need for irrigation.
- Watering methods shall be required if the proposed planting materials are not native or drought tolerant plants and trees.
- An irrigation system, consisting of an underground system (automatic or manual), that includes a USC approved reduced principal backflow preventer, pipes, valves, and heads of adequate size to irrigate properly the proposed planting may be required.

10-(4)(C)(d)(v) Installation and Maintenance

- All landscaping shall be installed in accordance with the approved landscape plan, be of nursery stock quality and be installed in a sound manner.³¹⁶
- All landscape material and irrigation systems shall be in place prior to the issuance of the certificate of occupancy unless a written Landscape Extension Agreement has been approved with the city.³¹⁷
- Landscape Extension Agreements shall be valid for a maximum period of nine (9) months.

³¹¹ Reduced to one-third per request of the steering committee at the 1.16.18 review meeting.

³¹² Existing standard 10-4C-2.C.4

³¹³ Existing standard 10-4C-2.C.3

³¹⁴ Existing standard 10-4C-2.B.6

³¹⁵ Based on existing standard 10-4C-2.C.3.a, revised to clarify intent.

³¹⁶ New standard

³¹⁷ Existing standard 10-4C-2.I

4. All required landscaping and irrigation systems shall be maintained as shown on the approved landscape plan. The property owner is responsible for the following:³¹⁸
 - a. *Regular maintenance of all landscaping and irrigation improvements in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds, and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices;*
 - b. *All plant material in required landscaped areas shall be selected and planted so that it will not interfere with the installation, maintenance or repair of any public utility, nor restrict pedestrian or vehicular traffic, nor constitute a traffic hazard. Reliance on pruning shall not replace the appropriate selection and placement of plant material.*
 - c. *The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this section. Any plant materials not surviving shall be replaced within thirty (30) days of its demise or in the next appropriate season.*
5. Failure to maintain the improvements or landscaping required by this section constitutes a violation of this Code.³¹⁹

10-(4)(C)(d)(vi) Streetscape and Front Setback Area Landscaping

1. Up to one-third (1/3) of the required landscaping for all projects may be located in the public right-of-way.³²⁰
2. For renovations to existing buildings exceed twenty five thousand dollars (\$25,000) in improvements, two-thirds (2/3) of the required landscaping may be located in the public right-of-way.³²¹

³¹⁸ Existing standards 10-4C-2.J, revised for clarity

³¹⁹ New standard

³²⁰ Based on existing standard 10-4C-2.B

³²¹ Existing standard 10-4C-2.B.4

3. One-half (1/2) of the total area required to be landscaped shall be located within the front setback area of the property.³²²
4. Where buildings occupy corner lots, double fronting lots or triple fronting lots, a minimum of one-fourth (1/4) of the required landscaping shall be located within each of the front setback areas.³²³
5. Minimum streetscape landscaping shall be provided according to Figure 10-4-19: Minimum Streetscape Requirements. The maturation height of trees should be considered when tree is placed beneath overhead lines³²⁴.

Figure 10-4-19: Minimum Streetscape Requirements

Mature Tree Height	Small (≤ 30 feet)	Medium (30-40 feet)	Large (40 > feet)
Tree Rate	One (1) tree per 30 feet of frontage	One (1) tree per 40 feet of frontage	One (1) tree per 50 feet of frontage
Planting Strip, minimum	Five (5) feet in width	Six (6) feet in width	Eight (8) feet in width

6. Street trees shall be located within a designated planting strip³²⁵, with the exception of the MXC district, in which trees can be located in tree grates.
 - a. *Where no planting strip is present or where utilities prevent trees from being planted in the designated planting strip, trees may be planted on the development parcel, in an area ranging from three to seven feet behind the property line nearest to the public right-of-way.*
 - b. *Plant materials in a sight clearance triangle as defined in subsection X.X shall be selected and maintained to ensure that there is no appreciable obstruction to vision between three (3) feet and ten (10) feet above the street pavement. Shrubs are not to exceed three (3) feet and the tree canopies shall start at a minimum of ten (10) feet above the street pavement.*

³²² Existing standard 10-4C-2.E.1

³²³ Existing standard 10-4C-2.E.2

³²⁴ Based on existing standard 10-4C-2.E.3

³²⁵ New standard to provide more guidance and a consistent character within the city

10-(4)(C)(d)(vii) Required Landscape Buffers and Screens

1. Landscape buffers are required to mitigate the impacts of significant differences in property use, size, or scale in any of the following circumstances, with standards specified in the relevant Subsections below:
 - a. *Medium and high density residential development (eg. MHP, MFRM, and MFRH zones) shall require a Type A buffer along the adjacent property line when it is adjacent to single family residence located in the RR or SFR zone districts.*
 - b. *Multi-family, mixed-use, or non-residential development shall require a Type B buffer along the adjacent property line when it is adjacent to single family residence located in the RR or SFR zone districts.*
 - c. *Industrial development shall require a Type C buffer along the adjacent property line when it is adjacent to any non-industrial development.*
2. When properties are required to have a landscape buffer, the requirements of Figure 10-4-20: *Minimum Buffer Requirements*, shall apply.

Figure 10-4-20: Minimum Buffer Requirements				
Buffer Type	Required Buffering	Buffering Options		
		Vegetative Screen or Berm		Wall or Fence
		3. Twenty four (24) shrubs for every one hundred (100) linear feet, 60% of which shall be evergreen.		
TYPE C Opaque Screen	Wall, fence, or vegetative screen ≥8 ft.	A minimum twenty-five (25) foot vegetative buffer that shall include: 1. Four (4) deciduous trees for every one hundred (100) linear feet; and 2. Four (4) evergreen trees for every one hundred (100) linear feet; and 3. Thirty six (36) shrubs for every one hundred (100) linear feet, 60 % of which shall be evergreen.	OR	A solid eight (8) foot privacy wall

Figure 10-4-20: Minimum Buffer Requirements				
Buffer Type	Required Buffering	Buffering Options		
		Vegetative Screen or Berm		Wall or Fence
TYPE A Broken Screen	Wall, fence, or vegetative screen ≥6 ft.	A minimum fifteen (15) foot vegetative buffer that shall include: 1. Two (2) trees - deciduous or evergreen- for every one hundred (100) linear feet; and 2. Twelve (12) shrubs for every one hundred (100) linear feet.	OR	A solid six (6) foot privacy fence or wall
TYPE B Semi- Opaque Screen	Five (5) feet in width	A minimum twenty (20) foot vegetative buffer that shall include: 1. One (1) deciduous trees for every one hundred (100) linear feet; and 2. Two (2) evergreen trees for every one hundred (100) linear feet; and	OR	A solid six (6) foot privacy wall

³²⁶ New standard

3. Any required privacy fence or wall shall be made of any combination of wood, brick, stone, wrought iron, polymer, decorative face block or other similar composite material and maintained in a like-new manner with the finished side facing towards the zone to be buffered (protected). The material(s) used shall provide an opaque fence. All required vegetation shall be placed on the side of the fence or wall of the adjacent property. A chain link fence with slats is not considered a solid fence for purposes of this section.³²⁶
4. All berms, if provided, shall not exceed a slope with maximum rise of one (1) foot to a run of two (2) feet (a ratio of 1:2) and a maximum height of four (4) feet with a compacted flat top of at least fifteen (15) inches wide. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation or permanent slope retention device. A combination of trees and shrubs are to be installed in an appropriate design scheme along the berm.³²⁷

³²⁷ New standard

10-(4)(C)(d)(viii) Parking Lot Landscaping and Screening

10-(4)(C)(d)(viii)(A). *Applicability*

All new surface parking lots containing twenty-five (25) or more spaces, or the expansion of an existing parking lot by twenty-five (25) spaces or more shall provide both perimeter and interior landscaping that meets the standards of this section.

10-(4)(C)(d)(viii)(B). *Perimeter Landscape Buffers*

1. Landscape buffer areas are required to separate off-street parking areas from front and side boundaries.
2. No parking is allowed within a required perimeter buffer area.
3. Any surface parking lot located within thirty (30) feet of the front lot line shall be screened from the public right-of-way by a landscape buffer at least six (6) feet in width with a continuous vegetative screen at least three (3) feet in height, or by other means that the Planning Director determines appropriate.
4. Any surface parking lot located within twenty (20) feet of a side lot line that is visible from the public right-of-way, where no buffer is required by 10-(4)(C)(d)(vii) Required Landscape Buffers and Screens shall be screened by a landscaped strip at least six (6) feet wide containing at least two (2) trees and six (6) shrubs per fifty (50) feet of the parking lot edge closest to the lot line, or by other means that the Planning Director determines appropriate.

10-(4)(C)(d)(viii)(C). *Interior Lot Landscaping*

1. The minimum number of trees shall be one (1) tree per twelve (12) parking spaces.
2. All trees and plantings within parking lots shall be in planting areas or landscape islands, protected by curbs or wheel stops.
3. Required parking lot landscaping may be incorporated with one or more consolidated bioretention areas (e.g. rain gardens).

10-(4)(C)(d)(ix) Screening of Service Areas / Mechanical Equipment

10-(4)(C)(d)(ix)(A). *General Screening Standards*

1. Any landscaping provided to meet screening standards will be credited towards the overall landscaping requirement.
2. In any case where a wall or fence is required or installed, chain link fencing shall not satisfy this requirement.

10-(4)(C)(d)(ix)(B). *Screening of Outdoor Storage*

1. Outdoor storage areas shall be screened from public streets and adjacent residential land uses and districts using one or a combination of fences, walls, berms, or landscaping that is at least six feet in height and produces a permanent opaque, year-round screen.
2. Walls, fences or enclosures used to screen outdoor storage areas shall be visually compatible with the architectural design and materials of the development

10-(4)(C)(d)(ix)(C). *Screening of Refuse Containers*

1. Refuse containers shall be located within a permanent, four-sided enclosure.
2. Refuse container enclosures shall be located at the rear or side of buildings, or in other inconspicuous locations, where they are generally not noticeable from public streets, pedestrian walkways, other public areas, or residential uses or districts.
3. Refuse enclosures shall be constructed of materials that is compatible with the overall architectural design of the development

10-(4)(C)(d)(ix)(D). *Screening of Mechanical and Utility Equipment*

1. Roof-mounted mechanical equipment of mixed-use and non-residential developments shall be screened by a parapet wall or similar architectural

feature sufficient to screen the equipment from all sides when viewed from the ground level.

2. Ground-mounted mechanical equipment of mixed-use and non-residential development shall be located so that it is not visible from a public right-of-way, customer entrances, pedestrian walkways, other public areas or from the adjacent properties to the maximum extent practicable.
3. Ground-mounted mechanical equipment located within the view of public right-of-way, customer entrances, other public areas and adjacent properties shall be screened from public view using one of the following options:
 - a. *Decorative wall, fence or enclosure that is constructed of materials that is compatible with the overall architectural design of the development and of a height that is not less than the height of the equipment to be screened; or*
 - b. *Vegetative screen that is of sufficient height at maturity and of opacity to effectively soften and screen the equipment.*

2. Where it can be shown that strict compliance with the requirements of these regulations cannot be met, due to unavailability of sufficient land, a variance may be sought in accordance to **section X.x of this chapter.**

10-(4)(C)(d)(x) Landscape Requirements for City Owned Property

1. Right-of-way medians shall hereafter be designed with conduits for electricity and water as specified by the electric department, placed a minimum of thirty six inches (36") underground and water stub outs in accord with the landscape design.
2. Drainage, retention, and detention areas visible from a public right of way shall be buffered with a minimum 6' wide landscape buffer except when such facilities are designed for joint use as a community or neighborhood park which facilities are exempt from buffers/ screens.
3. All city utility installations, substations, and other city facilities visible from a public right of way shall be buffered with a minimum 6' wide landscape buffer.

10-(4)(C)(d)(xi) Compliance and Enforcement

1. Failure to abide by the maintenance standards will be considered a nuisance subject to abatement provisions of this code.

10-4(D) FENCES AND WALLS

10-4(D)(a) Purpose

The purpose of this section is to provide for adequate privacy and security without degrading the aesthetic quality of the city, generating a public nuisance and/or hazards, or obstructing vision at intersections.

10-4(D)(b) Applicability

1. The construction and maintenance of all fences, walls, and retaining walls shall comply with the requirements this section.

10-4(D)(c) Exceptions

1. Fencing enclosing athletic courts, including but not limited to tennis courts and basketball courts, are permitted to be up to a maximum of sixteen (16) feet in height, provided they shall be located in the side or rear yard and shall be seven (7) feet from the property line.³²⁸

10-4(D)(d) Permit Requirements

1. A Building Permit is required for:
 - a. All walls and fences; and
 - b. Retaining walls with level or maximum backfill slope of less than a five to one (5:1) horizontal to vertical ratio.

10-4(D)(e) Fence and Wall Standards

10-4(D)(e)(i) Location and Height

1. The maximum permitted height for a fence depends on where the fence is located on a property. All fences and walls shall comply with the height limits shown in Figure 10-4-21: Maximum Height of Fences and Walls:

Figure 10-4-21: Maximum Height of Fences and Walls			
Location of Fence/Wall	Maximum Height by Zoning District		
	Residential	Mixed-Use / Commercial	Industrial
Within required front setback area	4 feet	4 feet	6 feet
Within required street side setback area (i.e. along the street side of corner lots)			
≤ 5 feet from property line	4 feet	4 feet	NA
> 5 feet from property line	7 feet	7 feet	NA

The following figure illustrates how maximum fence heights vary according to location:

Figure 10-4-22: Fencing in Residential Districts

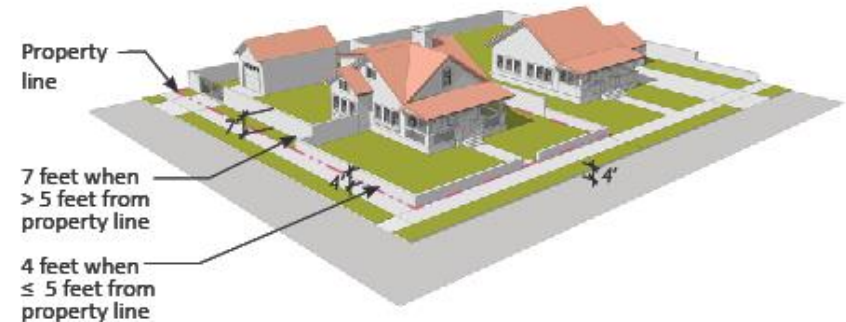
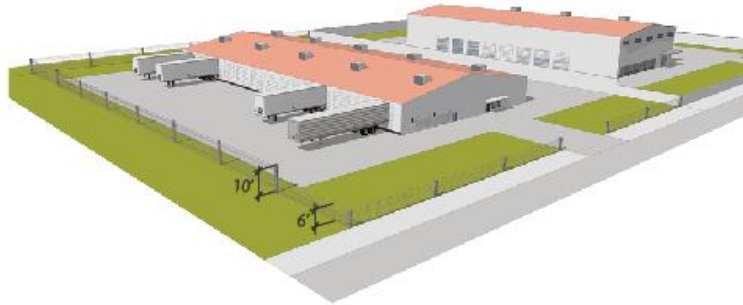


Figure 10-4-23: Fencing in Commercial /Mixed-Use District



³²⁸ Existing standard 10-4C-3.A.5

Figure 10-4-24: Fencing in Industrial Districts

2. The maximum height of a fence or wall shall be measured from ground level. If there is a difference in grade between the two (2) sides of the wall or fence (e.g., sloping ground surface or retaining wall), then the height shall be measured from the high ground side (finished or backfilled grade) to the lower ground side (finished grade).³²⁹
3. Within clear sight triangles as defined in subsection X.X, wall, fence or other barriers that restrict visibility shall be limited to three (3) feet in height.³³⁰
4. No wall or fence will be permitted in a public right-of-way unless a Revocable Permit is issued by the City Engineer, see Section X.X.³³¹
5. In the Rural Residential zoning district, the following development standards for fences may be used in place of those listed in Table X.X, Maximum Height of Fences and Walls of this section, provided the fence is an open view fence (i.e. constructed from posts that are connected by horizontal boards, wire, or rails not having a solid foundation along its whole length) and the does not exceed seven (7) feet in height.

10-(4)(D)(e)(ii) Fence and Wall Materials³³²

1. Fences and walls shall be constructed of durable materials manufactured for exterior use and shall be weather and decay-resistant.
2. Approved materials normally manufactured for, used as, and recognized as, exterior fencing or wall materials include, but are not limited to,

³²⁹ Existing standard 10-4C-3.A.3

³³⁰ Existing standard 10-4C-3.C

³³¹ Existing standard 10-4C-3.C

commercial quality wood, brick, fired masonry, concrete, stone, wrought iron or other decorative metals, chain link, manufactured vinyl or composite plastic manufactured specifically as wall or fencing materials, or any other material approved at the discretion of the Planning Director.

3. Prohibited materials consist of materials not specifically manufactured for fencing and walls or discarded materials, including, but not limited to, railroad ties, pallets, tires, junk, or other similar items.
4. Barbed wire, razor wire, or barbed tape obstacles shall be prohibited in all residential zoning districts.
5. Walls and fences visible from the public right-of-way shall be architecturally integrated with the building design and with existing fences/walls on the site.

10-(4)(D)(e)(iii) Security Fencing

1. Security fencing is permitted in GC, HC and IND zoning districts and may include barbed wire or barbed tape obstacles, provided the maximum height of the fence may not exceed ten (10) feet. If barbed wire or tape obstacles are utilized it shall be installed in such a manner as to avoid any and all contact by pedestrian traffic.³³³
2. Public utilities enclosures may use barbed wire or barbed tape obstacles in any zoning district.³³⁴
3. A temporary construction fence permit may be issued in conjunction with an active building permit. A temporary fence permit may be granted for a one-year renewable period. All temporary fencing must be removed upon completion of construction and prior to the issuance of a certificate of occupancy.³³⁵

10-(4)(D)(e)(iv) Required Safety Fencing³³⁶

1. All swimming pools, jacuzzis, hot tubs or yards in which swimming pools, jacuzzis, or hot tubs are located shall be completely enclosed by a wall or fence at least six (6) feet in height with self-closing devices on gates.
 2. Jacuzzis and hot tubs may use a lockable cover in lieu of a wall or fence.

³³³ Existing standard 10-4C-3.B.3.2 clarified and revised based on C.B.'s feedback.

³³⁴ Existing standard 10-4C-3.B.3.1

³³⁵ New standard

³³⁶ Existing standard 10-4C-3.A.4

10-(4)(D)(e)(v) Retaining Walls

1. Retaining walls over four (4) feet high having a retained slope of five to one (5:1) or greater shall be designed, signed and sealed by a professional civil engineer, registered in the state of New Mexico.³³⁷

10-(4)(D)(e)(vi) Maintenance³³⁸

2. All fences, walls, and retaining walls shall be maintained in good condition, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public.
3. Fences, walls, and retaining walls which are no longer maintained in a safe manner and/or which create a hazard through neglect, lack of repair, manner of construction, method of placement, or otherwise, shall be repaired, replaced or removed by the property owner.

³³⁷ Existing standard 10-4C-3.A.3

³³⁸ New standards based on national best practice.

10-4(E) ARCHITECTURE

10-(4)(E)(a) Purpose

This section provides standards that promote development that is compatible with the community's character and enhance the attractiveness and quality of life in the City of Gallup. These standards aim to improve the overall quality of development while preserving and enhancing existing historic assets. They establish minimum architectural design standards, to foster a built environment that promotes Gallup's unique character and natural environment.

10-(4)(E)(b) Applicability

The provisions of this Section X.X shall apply to:

1. New construction of all residential, mixed-use, or non-residential structures;
2. Expansions of existing multi-family, mixed-use, and non-residential structures of twenty five percent (25%) or more of building floor area shall require façade improvements installed for the expanded floor area when visible from the public right-of-way; or
3. Where the primary exterior façade of an existing building is not in compliance with adopted City architectural design standards, renovations to existing multi-family, mixed-use or non-residential structures exceeding two hundred thousand dollars (\$200,000) in improvements that require a building permit, shall require façade improvements. The value of required façade improvements shall be up to twenty percent (20%) of the overall project valuation.

10-(4)(E)(c) Exceptions

The provisions of these standards do not apply to properties in the Downtown Overlay district, which shall utilize the Downtown specific standard outlined in Section 10-(2)(B)(d)(i) Downtown Overlay (DO).

10-(4)(E)(d) General Standards

1. All buildings must comply with local, state, and federal requirements including the current edition of the building code, Fair Housing Act (FHA) and the Americans with Disabilities Act (ADA).
2. All buildings shall use materials that are durable, easily and economically maintained, and of a quality that will retain their appearance over time.³³⁹
3. Higher quality building materials and details should be used on building facades facing public rights-of-way and at primary building entrances and may be transitioned to more economical materials on the back or service side(s) of the building.³⁴⁰
4. Multi-tenant developments or development with multiple buildings shall have a consistent theme, color, and design throughout.³⁴¹
5. Chimneys, fireplaces, pilasters, roof overhangs, movable awnings, unenclosed balconies and unenclosed stairways may project into any required yard for three and one-half (3½) feet or one-half (½) of the required yard, whichever is less.³⁴²

10-(4)(E)(e) Residential District Standards

10-(4)(E)(e)(i) Low-density Residential Development (e.g. Single-family Residential, Two-family Residential)

1. The orientation of the primary façade of single-family and duplex residential dwellings shall be consistent with the established pattern along the block face.
2. The primary building entrance to the dwelling should face the public right-of-way from which the dwelling receives its address.³⁴³
3. A walkway shall be provided from the primary building entrance of the dwelling to the public right-of-way from which the dwelling receives its address.

³³⁹ New standard

³⁴⁰ New standard

³⁴¹ Existing standards X.x broadened to apply to all commercial and multi-family developments

³⁴² Existing Standard 10-4C-1.B.2.g

³⁴³ Existing standard 10-4D-2.L.2

10-(4)(E)(e)(ii) Multi-family Residential Development

10-(4)(E)(e)(ii)(A). *Building Entrances*

1. Buildings shall be oriented so that the principal building wall and primary entrances face the public right-of-way. If this is not feasible, they should be oriented to face internal streets or common open space, such as interior courtyards or on-site recreation areas.
2. Primary building entrances shall be clearly defined and highly visible from the public right-of-way. This effect can be achieved through a combination of massing and architectural treatments including but not limited to towers, portals, overhangs, fenestration, material and color changes.

Figure 10-4-25: Residential Building Entrance



10-(4)(E)(e)(ii)(B). *Building Facades*

1. Each building wall facing a public right-of-way shall incorporate wall plane projections or recesses every eighty (80) linear feet by a minimum of 18".

Figure 10-4-26: Residential Building Facades



10-(4)(E)(e)(ii)(C). *Transparency*

1. At least 25 percent (25%) of all walls facing a public right-of-way shall contain windows or doorways.

10-(4)(E)(e)(ii)(D). *Roof Articulation*

1. Multi-family residential buildings shall provide roof variation for every eighty feet (80') in length through dormers, street facing gable ends, projections, recessions, dormers or changes in parapet height that alter the vertical or horizontal plane of the roof by at least two feet.

Figure 10-4-27: Residential Roof Articulation



10-(4)(E)(e)(ii)(E). *Garages and Carports*

1. To the greatest extent feasible, freestanding carports and garages should be located at the rear or side of the primary structure.
2. The exterior materials, design features, and roof form of a detached garage or carport shall be the compatible with the building it serves.

10-(4)(E)(f) Mixed-Use and Commercial District Standards

10-(4)(E)(f)(i) Building Entrances

1. Buildings shall have at least one (1) pedestrian entrance (individual or shared) facing a public right-of-way.

2. Primary building entrances shall be clearly defined and highly visible through incorporating at least two of the following design features:
 - a. Color and material changes at the entry;
 - b. Entry recesses or projections;
 - c. Display windows that are directly adjacent to the entrance;
 - d. Canopies, porticos, arcades, or roof overhangs above the entrance;
 - e. Gabled or peaked roof forms, arches, or raised corniced parapets above the entrance; or
 - f. Outdoor plaza spaces adjacent to the entrance, provided it has a minimum depth of twenty feet (20'); or
 - g. Other architectural massing and treatments, including but not limited to towers, portals, stoops, and/or overhangs that call attention to the building entrance in the building structure and design.

10-(4)(E)(f)(ii) Building Facades

1. A minimum of twenty five (25) percent of the exterior building wall visible from a public right-of-way shall utilize a contrasting design materials, i.e. a change in color, texture, or material.
2. Each building wall facing a public right-of-way shall incorporate wall plane articulation every one hundred (100) linear feet through one or combinations of the following techniques:
 - a. Horizontal and vertical recesses and offsets;
 - b. Breaks (reveals, recesses) in the surface of the wall itself;
 - c. Placement of window and door openings;
 - d. Placement of features like awning, canopies, overhangs, and arcades; or
 - e. Another architectural feature approved at the discretion of the Planning & Development Director.

Figure 10-4-28: Mixed-Use and Commercial District Building Facade



10-(4)(E)(f)(iii) Transparency

1. A minimum of twenty-five (25) percent of any ground-floor wall that faces a public right-of-way shall contain transparent display windows and/or doors, with the lower edge of the window wills no higher than thirty inches (30") above the finished floor.
2. A minimum of twenty (20) percent of each higher floor that faces a public right-of-way shall contain transparent windows and/or doors.

Figure 10-4-29: Mixed-Use and Commercial District Transparency



10-(4)(E)(f)(iv) Roof Articulation

1. Buildings exceeding fifteen thousand (15,000) square feet of gross developable floor area shall provide roof variation for every one hundred linear feet (100') in length through:

- a. Projections, recessions, dormers that alter the vertical or horizontal plane of the roof by at least two feet;
- b. Change in roof parapet height of at least two feet; or
- c. Another architectural feature approved at the discretion of the Planning & Development Director.

Figure 10-4-30: Mixed-Use and Commercial District Roof Articulation



10-(4)(E)(g) Industrial District Standards

10-(4)(E)(g)(i) Building Entrances

1. Buildings shall have at least one (1) primary pedestrian entrance facing a public right-of-way.
2. Primary building entrances shall be clearly defined and highly visible through incorporating at least two of the following design features:
 - a. Color and material changes at the entry;
 - b. Entry recesses or projections;
 - c. Display windows that are directly adjacent to the entrance;
 - d. Canopies, porticos, arcades, or roof overhangs above the entrance;
 - e. Gabled or peaked roof forms, arches, or raised corniced parapets above the entrance; or
 - f. Other architectural massing and treatments, including but not limited to towers, portals, stoops, and/or overhangs that call attention to the building entrance in the building structure and design.

10-(4)(E)(g)(ii) Building Massing

1. "Large box" components of the industrial and/or warehouse buildings visible from public rights-of-way shall utilize varied building heights, massing and setbacks to reduce the apparent massing and scale of buildings such as but not limited to:
 - a. Orient office, showroom, and/or lobby spaces on the front building façade, facing a public street, and utilize horizontal and vertical articulation and/or higher quality materials to draw attention to the office portion of industrial buildings over the "large box" component.
 - b. Provide roof variation for every one hundred linear feet (100') in length through projections, recessions, dormers or changes in parapet height that alter the vertical or horizontal plane of the roof by at least two feet;
 - c. Setbacks

10-(4)(E)(g)(iii) Building Facades

1. A minimum of forty (40) percent of the exterior building wall visible from a public right-of-way shall utilize a contrasting design materials, i.e. a change in color, texture, or material.
2. Each building wall facing a public right-of-way shall incorporate wall plane articulation every one hundred (100) linear feet through one or combinations of the following techniques:
 - a. Horizontal and vertical recesses and offsets;
 - b. Breaks (reveals, recesses) in the surface of the wall itself;
 - c. Placement of window and door openings;
 - d. Placement of features like awning, canopies, overhangs, and arcades;
 - e. Another architectural feature approved at the discretion of the Planning & Development Director.

10-4(F) SIGNAGE**10-(4)(F)(a) Purpose**

The application of these standards is intended to encourage the identification of city businesses, institutions and other places of interest; facilitate persons' location of specific destinations; and permit signs that will not, by their size, location, and/or construction, endanger the public health and safety of individuals or confuse, mislead, and/or obstruct vision necessary for traffic safety. Regulations are further intended to create a more aesthetically pleasing community by regulating billboards.

10-(4)(F)(b) Applicability

1. All signs and support structures shall conform to the requirements of this section.
2. Any sign legally erected before the effective date of this ordinance that is no longer in compliance with the standards in this section may be retained in use, subject to the provisions of Section X.X, Nonconforming Signs.

10-(4)(F)(c) Permit Requirements

1. No sign shall be installed, constructed, altered, moved, or improved except in accordance with the requirements of this section and approval of a Sign Permit, see **Section X.X** for provisions applicable to sign permits.
2. The following operations shall not be considered creating a new sign and, therefore, do not require a sign permit:
 - a. *The changing of the advertisement or message on an approved sign which is specifically designed for the use of a replicable copy; or*
 - b. *Painting, cleaning and other normal maintenance and repair of a sign or sign structure, provided that no structural change is made.*

³⁴⁴ Based on existing standard 10-4J-3.F.1

³⁴⁵ Based on existing standard 10-4J-3.F.3

³⁴⁶ Based on existing standard 10-4J-3.F.2

³⁴⁷ New standard based on best practice

³⁴⁸ New standard based on best practice

10-(4)(F)(d) Prohibited Signs

1. The following signs are prohibited in all zoning districts. These types of signs shall be removed or brought into conformance with these standards or shall be considered in violation and subject to the penalty provisions of this title and all other applicable city ordinances.
 - a. *Signs extending over or located within the public rights-of-way or easements , unless otherwise authorized through a Revocable Permit;*³⁴⁴
 - b. *Signs located within the clear sight triangle, as defined in Section 10-(4)(B)(c)Clear Sight Triangle, of any property;*³⁴⁵
 - c. *Signs that resemble or are imitations of official government signs or purports to have official status;*³⁴⁶
 - d. *Signs that conflict in any way with the property functioning or line-of-sight of any official control device;*
 - e. *Signs which obstruct clear vision and access or otherwise pose a safety hazard to pedestrians, cyclists, or motorists;*
 - f. *Signs with an audible device;*³⁴⁷
 - g. *Signs with mechanical movement (i.e. moving parts or rotation) and / or flashing, oscillating or rotating lights;*³⁴⁸³⁴⁹
 - h. *Signs which are not clean, legible, in a state of good repair;*³⁵⁰ and
 - i. *Abandoned Signs located on a property that is vacant, unoccupied or where there the use has been discontinued for a period of three (3) months.*³⁵¹

10-(4)(F)(e) General Sign Standards**10-(4)(F)(e)(i) Sign Measurements³⁵²**

1. Sign area shall be determined by calculating the area inside the outer limits of a sign that encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the

³⁴⁹ New standard based on best practice

³⁵⁰ New standard based on best practice

³⁵¹ New standard based on best practice

³⁵² New Standard to clarify sign area and height measurements

sign from the backdrop or structure against which it is placed, but not including any supporting structures or the building or wall surface to which it is attached. In the case of irregular shaped signs, maximum sign area is the area bounded within a single continuous perimeter composed of a square or rectangle.

2. For all signs with more than one face, the sign area shall be computed as including 100 percent of the area of all sign faces and the total area of all faces shall not to exceed the maximum stated for each respective sign type.
3. Sign height shall be determined by calculating the vertical distance between the lowest elevation of the ground abutting the sign and level of the highest point of the sign.

10-(4)(F)(e)(ii) Location and Setbacks

1. No sign, nor any part of a sign shall be located within any clear sight triangle as defined in Section 10-(4)(B)(c) Clear Sight Triangle.
2. No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window or other required access way to or from a building or site.
3. All minimum setbacks shall conform to the standards as listed in the Figure 10-4-31: Minimum Setbacks.

Figure 10-4-31: Minimum Setbacks		
Location >	Front Setback Area	Side Setback Area
Street Type v	Standard v	
Local	10 feet	5 feet
Collector	10 feet	5 feet
Urban Arterial	5 feet	5 feet
Principal Arterial	5 feet	5 feet

10-(4)(F)(e)(iii) Overhang and Clearances

1. A Revocable Permit is required if any part of a sign extends beyond private property onto a public right-of-way, such a permit shall not constitute or be represented as an easement or vested right.³⁵³

³⁵³ Based on existing standard 10-4J-3.D.1

³⁵⁴ New standard

³⁵⁵ Based on existing standard 10-4J-2.B.2.d

2. Any sign extending over a public right-of-way or privately owned pedestrian circulation area or vehicular area shall have a minimum clearance of 11 feet above the finished grade below it.³⁵⁴

10-(4)(F)(e)(iv) Sign Illumination

1. All sources of illumination shall be shielded or directed in such a manner that the direct rays are not cast upon adjacent properties or public streets.
2. The level of illumination emitted or reflected from a sign shall not be of intensity sufficient to constitute a demonstrable hazard or distraction to the operators of motorists or pedestrians.
3. Illumination sources shall not exceed thirty three (33) watt clear bulbs or 30R20 bulbs where unshielded sign lights are utilized as chaser lights or to illuminate the letter of the sign copy.
4. If a sign is to be internally illuminated, the background of the sign face shall be made of an opaque material to allow internal light to project only through the lettering and/or logos or a colored translucent material (i.e., not white, cream, off-white, or other light color) with either translucent or opaque lettering and/or logos.³⁵⁵
5. Illuminated signs shall be prohibited in all residential zoning districts.³⁵⁶
6. Any illuminated sign visible from and located within three hundred (300) feet of any lot in a residential zoning district shall be turned off no later than 10:00 p.m.³⁵⁷

10-(4)(F)(e)(v) Construction Specifications

1. Persons engaged in the business of erecting, altering, relocating, constructing, or maintaining signs must have all valid licenses as required by the city and the New Mexico Construction Industries Division. The painting of wooden signs and the painting of lettering on walls do not require state contractor licenses.³⁵⁸
2. All signs shall be constructed of durable, weather-resistant material and be constructed in accordance with the requirements of the appropriate building code and electrical code currently adopted by the city of Gallup

³⁵⁶ New Standard

³⁵⁷ Based on existing standards in 10-4J-3.B

³⁵⁸ Existing Standard 10-4J-2.A

and state of New Mexico. All electrical components must be UL listed. In addition, the following specifications shall apply³⁵⁹:

- a. *All freestanding signs shall be designed to withstand the minimum wind loads as prescribed by the current edition of the international building code.*
 - b. *No sign shall be attached in a manner which will interfere with any opening required for ventilation; except, attached signs may be erected in front of and may cover transom windows when not in violation of the city building code or fire code.*
 - c. *No sign shall be erected, constructed, or maintained that obstructs any fire escape, required exit, window, or door opening used as a means of egress.*
 - d. *No sign shall be suspended by nonridged attachments that will allow the sign to swing in the wind unless otherwise exempted by this title. Banner signs, supported by a rigid pole, may move in the wind.*
3. No sign shall be constructed within any public utility or drainage easement.

10-(4)(F)(e)(vi) Maintenance and/or Removal of Unsafe, Unlawful, or Abandoned Signs³⁶⁰

1. All signs and components thereof, including those signs that predate this title, shall be maintained in safe, unbroken, and structurally sound

manner, including the replacement or repair of any defective parts, painting, cleaning and any other work necessary to maintain the sign.

2. Building inspector or code compliance officer may inspect a sign at any time for abandonment and/or material, structural, or electrical defects.
3. Any sign determined by the city to be abandoned, a safety hazard, or in a state of neglect or disrepair [e.g. defective, damaged, or substantially deteriorated] shall be put in order or removed within thirty (30) days of a written notice of violation to the property owner or permit holder.³⁶¹
4. If compliance is not achieved within the time period specified in such notice, the city shall have the right to order the removal of the sign. The owner of the sign and/or the property shall be financially responsible for the removal of the sign.

10-(4)(F)(f) On-Premise Sign Standards

10-(4)(F)(f)(i) Type and Location

1. All signs shall be in accordance with the provisions of Figure 10-4-32: On-Premise Sign Standards and all other regulations set forth in this section.

³⁵⁹ Existing standard 10-4J-2.B

³⁶⁰ Existing Standard 10-4J-2.D.2 and 10-4J-3.E

³⁶¹ New standard

Figure 10-4-32: On-Premise Sign Standards					
Location >		Residential	Mixed-Use	Commercial	Industrial
		RR, SFR, MFL, MFN, MFH	MXN, MXC	GC, HC	IND
Sign Type v	Topic v	Standard v			
Awning Signs Freestanding Signs	Sign area, maximum	Prohibited	20% of awning		
	Number of signs, maximum	1 per street frontage for civic/institutional ³⁶² and multi-family residential uses only	1 per street frontage	1 per street frontage, plus 1 additional sign if >600 linear feet of street frontage ³⁶³	1 per street frontage, plus 1 additional sign if >750 linear feet of street frontage ³⁶⁴
	Sign area, maximum	32 sq. ft. ³⁶⁵	70 sq. ft.	200 sq. ft.	300 sq. ft.
	Height, maximum	8 ft. for monument sign 20 ft. ³⁶⁶ for pole sign	60 ft. for monument sign pole signs are prohibited	10 ft. for monument sign 50 ft. for pole sign if located adjacent to interstate 25 ft. for pole sign in all other locations ³⁶⁷	
Marquee Signs	Number of signs, maximum	Prohibited	1 per theater or performance venue only		Prohibited
	Sign area, maximum		5 ft.		
	Height, maximum		2 ft. from the face of the curb ³⁶⁸		
Projection Signs	Number of signs, maximum	Prohibited	1 per tenant per frontage		
	Sign area, maximum		12 sq. ft.		
	Projection, maximum		2 ft. from the face of the curb ³⁶⁹		
	Clearance, minimum		11 ft. ³⁷⁰		
Roof Signs	Number of signs, maximum	Prohibited	1 per establishment		
	Sign area, maximum				
	Height, maximum		5 ft. above the parapet wall		
Wall Signs	Number of signs, maximum	1 sign per multi-family uses only	1 per tenant per frontage, plus 1 additional sign per tenant per additional frontage		
	Sign area, maximum	8 sq. ft.	15% of unit frontage per tenant	20% of unit frontage per tenant	25% of unit frontage per tenant
Window Signs	Percentage of window area, maximum	Prohibited	15% of the window area	25% of the window area	Prohibited

³⁶² Existing standard 10-4J-3.1³⁶³ Existing standard 10-4J-3.B.4.b³⁶⁴ Existing standard 10-4J-3.B.3.b³⁶⁵ Existing standard 10-4J-3.1.a.1³⁶⁶ Existing standard 10-4J-3.1.a.2³⁶⁷ New standard³⁶⁸ Existing standard pulled from projecting sign definition³⁶⁹ Existing standard pulled from projecting sign definition³⁷⁰ Existing standard pulled from projecting sign definition

10-(4)(F)(f)(ii) Master Sign Plans

1. A Master Sign Plan shall be required for all commercial or institutional development on properties of ten (10) or more acres and/or contain multi-tenant buildings or multiple building.³⁷¹
2. Planning and Zoning Commission approval of the Master Sign Plan is required prior to the issuance of any sign and/or building permits for such properties.³⁷²
3. This title does not supersede nor render null and void any master sign plans and agreements made before the effective date hereof between property owners and/or developers and the city.³⁷³

10-(4)(F)(f)(iii) Portable Signs

1. Portable signs are allowed, provided they comply with the standards in Figure 10-4-33: Portable Signs Standards.

Figure 10-4-33: Portable Signs Standards	
Topic	Standard
Number of signs, maximum	1 per establishment
Number of sides, maximum	2
Sign area, maximum	32 sq. ft. per side [64 sq. ft. total] ³⁷⁴
Height, maximum	5 ft. ³⁷⁵
Setback, minimum	10 ft. ³⁷⁶

2. Portable signs shall be constructed of durable, weather resistant materials such as wood, metal or plastic and shall be maintained in good condition.
3. Signs shall be constructed and anchored in a manner that prevents high winds from overturning it. No external cables, supports, brackets, or wires that may cause pedestrians to trip are allowed.

³⁷¹ Existing standard 10-4J-4.C.1, expanded to include multi-tenant or multiple buildings

³⁷² New standard

³⁷³ Existing standard 10-4J-4.C.2

³⁷⁴ Existing standard 10-4J-3.D.5

³⁷⁵ Existing standard 10-4J-3.D.5

³⁷⁶ Existing standard 10-4J-3.D.5

³⁷⁷ Existing standard 10-4J-3.D.6

³⁷⁸ New Standard

³⁷⁹ Existing standard 10-4J-3.D.7

4. Signs that requires electricity or any other power source shall be allowed³⁷⁷.
5. A portable sign shall be utilized only during the regular hours of operation of the business or special event, and shall be removed during non-business hours³⁷⁸.
6. Portable signs shall not be placed in the public right of way, a clear sight triangle nor block pedestrian passage on sidewalks. Violators shall be considered a public nuisance and subject to the penalty provisions of this title and all other applicable city ordinances.³⁷⁹
7. Portable signs transported on trailers shall meet all applicable state and local laws regulating hitch and safety devices.³⁸⁰

10-(4)(F)(g) Off-Premise Sign Standards

1. Off-premises signs are allowed only in the GC, HC and I zoning districts, provided the property is along Interstate 40 (I-40), Principal or Urban Arterial streets (as defined on the city official thoroughfare map) and they comply with the standards of Figure 10-4-34 : Off-Premise Sign Standards.

Figure 10-4-34 : Off-Premise Sign Standards			
Location >	I-40 ³⁸¹	Principal Arterial ³⁸²	Urban Arterial ³⁸³
Topic	Standard		
Sign Type	Freestanding Pole Signs ³⁸⁴		
Number of signs, max	1 per establishment		
Separation, max	500 ft.	500 ft.	500 ft.
Setback, minimum	30 ft. ³⁸⁵	30 ft. ³⁸⁶	30 ft. ³⁸⁷
Sign area, maximum	400 sq. ft.	400 sq. ft.	400 sq. ft.

2. Off-premise signs along urban arterial streets shall be limited only to Directional Signs as defined in section X.X, Definitions.
3. Off-premise signs are prohibited in:

³⁸⁰ Existing standard 10-4J-3.D.3

³⁸¹ Existing standard 10-4J-3.A.1.a

³⁸² Existing standard 10-4J-3.A.1.b

³⁸³ Existing standard 10-4J-3.A.1.c

³⁸⁴ Existing standard 10-4J-3.A.1.e

³⁸⁵ Existing standard 10-4J-3.A.1.f

³⁸⁶ Existing standard 10-4J-3.A.1.f

³⁸⁷ Existing standard 10-4J-3.A.1.f

4. All Residential and Mixed-use zoning districts; and
5. Along Collector or Local streets, as defined on the city's official thoroughfare map.
6. The construction of new billboards sign types, as defined in Section 10-5-Definitions, are prohibited.
7. Any existing billboards that are removed shall only be replaced with a freestanding pole sign.

10-(4)(F)(h) Temporary Sign Standards

1. Any sign constructed and displayed for a limited time period is considered a temporary sign. A portable sign is not considered a temporary sign, see subsection 10-(4)(F)(f)(iii) for portable sign standards.
2. Temporary signs may be erected without obtaining a sign permit, provided that they comply with the standards in Figure 10-4-35: TEMPORARY SIGNS STANDARDS, and shall not count toward any maximum number of signs or maximum sign area allowed on a property.

Figure 10-4-35: TEMPORARY SIGNS STANDARDS	
Topic	Standard
Number of Signs, maximum	4 per premises
Sign Area, maximum	16 square feet per sign in residential districts 32 square feet per sign in nonresidential districts ³⁸⁸
Height, maximum	8 ft.
Illumination	Prohibited
Prohibited locations	In the public right-of-way In clear sight triangles as defined in <u>10-4(B)</u>

3. Temporary signs may be in place no longer than forty-five (45) consecutive days.
4. The Building Inspector and/or Code Compliance Officer may inspect a temporary sign at any time for material defects, including wear and tear, faded background, faded graphic designs, and faded lettering, caused by weather, neglect, or abuse.

5. If it is determined upon inspection that the temporary is materially defective, the city shall issue a written order to the owner of the property upon which the subject sign is located. Said order shall require removal or replacement of the temporary within five (5) days of the date of the order.

10-(4)(F)(i) Enforcement

1. Any sign and its owner found in violation of this article shall be subject to the penalty provisions of this title and all other applicable city ordinances.

³⁸⁸ New standard sizes expanded based on steering committee comments from the 1.16.18 review meeting.

10-4(G) ENVIRONMENTAL PERFORMANCE REQUIREMENTS

10-(4)(G)(a) 10-1(A) GENERAL ENVIRONMENTAL REQUIREMENTS

1. **Purpose:** These provisions are intended to protect city residents and their property from hazardous or unhealthy conditions which may result from acts of commission or omission attendant to the use of land.
2. **Scope:** In all zoning districts, no principal, accessory or conditional use shall be conducted so as to cause the harmful discharge of any waste materials into or upon the ground, into or within any sanitary or storm sewer system, into or within any water system or water, or into the atmosphere. No use or activity shall be conducted or permitted which constitutes a menace to persons or property or which is dangerous, obnoxious, or offensive by the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust, fumes, vibration, electromagnetic interference, radiation, light, glare, humidity, visual clutter, unsanitary, or rodent breeding conditions. In addition, no use shall be permitted or conducted which creates a public or private nuisance.
 - e. *Specific Information Requirements: In case of doubt regarding the environmental impact of a process or use, the applicant shall be required to submit an engineering report which describes the process or use and its probable environmental impact upon properties in the vicinity of the use.*
3. **Compliance:** All uses begun or expanded after the effective date of enactment of these performance requirements shall comply with such requirements. All existing uses or uses on lands later annexed by the city which are in nonconformance with respect to these performance requirements shall have three (3) years from the effective date of enactment of these requirements or from the date of annexation in which to come into compliance. Extensions on the time granted for compliance to these requirements may be granted by the approving body for conditional use permits. (Ord. C99-5, 9-28-1999)
 - a. *All applicable U.S. federal and state of New Mexico environmental laws and regulations, such as those governing air and water pollution,*

toxic waste disposal and radiation hazards, shall be met. This includes, but is not limited to, the New Mexico Environment Department (<https://www.env.nm.gov/>) for both compliance and best management practices for air, water, and waste.

- b. *Best management practices and acceptable noise levels should adhere to noise levels established by Occupational Safety and Health Administration (OSHA) for activities on the lot and adjacent to the lot. (<https://www.osha.gov/SLTC/noisehearingconservation/>)*
- c. *Determination of any objections to permitted activities will be completed by the Planning and Zoning Commission and based on the comparison of best management practices and allowable conditions at the state/federal level.*

10-(4)(G)(b) Requirements by Zoning District

1. **All Districts:** For all non-industrial zoning districts, the specific requirements enumerated below shall apply:
 - a. *No toxic matter shall be discharged across lot boundaries.*
 - b. *Storage, utilization or manufacture of flammable and combustible materials shall be done in accordance with the standards of the Gallup municipal and State of New Mexico fire codes and the most recent national fire code (published by the National Fire Protection Association <https://www.nfpa.org/>). Where standards in the above codes differ, the most stringent standard shall be observed.*
 - c. *Rights to solar access shall be subject to the provisions of the state of New Mexico solar rights act and solar recordation act.*
2. **Residential Districts:** In the RHZ rural holding zone district, certain of these requirements may be relaxed to accommodate a particular conditional use provided that the approving body for the conditional use is satisfied that necessary precautions or measures have been taken to mitigate significant adverse effects on other properties in the vicinity of the use.
 - a. *No continuous or intermittent noise from operations on a lot, greater than the volume and range of existing ambient noise or its equivalent in the immediate vicinity, shall be detectable at the lot boundaries. Occasional or temporary use of powerized*

lawn/garden care equipment and building repair/construction equipment which exceeds the above standard shall be exempt.

- b. *No objectionable, noxious, or annoying smoke or particulate matter may be generated at any time.*
 - c. *No objectionable, noxious or annoying fumes, odors, vibrations, heat, glare, humidity, electromagnetic interference or the like shall be perceivable beyond lot boundaries.*
 - d. *If a commercial or industrial zoned lot abuts a residential zoned lot, any outdoor*
 - e. *lighting fixtures on the commercial lot shall comply with the New Mexico Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978].*
3. **Industrial or Commercial Districts:**
- a. *No continuous or intermittent noise from operations on an industrial or commercial zoned lot shall be perceivable at the boundaries of a residential or commercial zoning district at a level which exceeds the existing ambient noise or its equivalent in the immediate vicinity of the particular residential or commercial zoning district.*
 - b. *No objectionable, noxious, or annoying smoke or particulate matter shall be emitted which adversely affects persons on the premises of nearby properties.*
 - c. *No objectionable, noxious, or annoying fumes, odors, vibrations, heat, glare, humidity, electromagnetic interference or the like shall be perceivable at the boundaries of a residential or commercial zoning district. Any industrial operation producing intense heat or glare shall be performed within a completely enclosed building.*
 - d. *If a commercial or industrial zoned lot abuts a residential zoned lot, any outdoor lighting fixtures on the commercial lot shall comply with the New Mexico Night Sky Protection Act [74-12-1 to 74-12-10 NMSA 1978]*

10-4(H) TERRAIN MANAGEMENT REGULATIONS

10-(4)(H)(a) Surface Water Drainage

1. **Purpose:** The purpose of these regulations is to incorporate planning and engineering principles into development projects in such a manner as to minimize adverse effects on the surface of the land.
2. **Scope:** This article establishes the regulations concerning the control of the quantity, quality, and routing of stormwaters in the city. This control is accomplished through:
 - a. *Temporary storage and controlled release to minimize an increase in volume due to development;*
 - b. *Percolation areas to encourage recharge of natural aquifers;*
 - c. *Erosion protection, silt controls and control of chemical pollutants; and/or*
 - d. *Usage of and protection of natural drainageways for seasonal flows. (Ord. 2012-3, 5-8-2012)*

10-(4)(H)(b) DRAINAGE PERFORMANCE STANDARDS

A stormwater management plan is required for residential, commercial, or industrial developments within the city which disturbs or modifies the ground surface topography within the municipal limits. A disturbance or modification of the land is any significant fill, excavation, earth moving, or grading on private property, even if no development is proposed.

1. **Minimum Disturbance:** A stormwater management plan is not required for the disturbance or modification of the ground surface topography less than five thousand (5,000) square feet. Developer, contractor, and/or property owner are responsible for any alleged damages by associated storm drainage onto adjoining or downstream property caused by their disturbance or modification of the ground surface topography.
2. **Grading Plan:** A "grading plan" is a type of stormwater management plan required for the disturbance or modification of the ground surface topography equal to or greater than five thousand (5,000) square feet and less than one acre. For new residential development, or for

remodel projects that alter the drainage flow, drainage should be directed toward the street. The grading plan:

- a. *Shall address issues and conform to the requirements in the latest published editions of the international building code and international residential code as adopted by the city council.*
 - b. *Shall clearly identify the area being disturbed and the limits of grading along with the concentrations and directions of any drainage flows.*
 - c. *Shall clearly identify both temporary (during site grading) and permanent erosion control.*
 - d. *Does not require a stormwater detention basin.*
3. **Drainage Plan:** A "drainage plan" is a type of stormwater management plan required for the disturbance or modification of the ground surface topography equal to or greater than one acre. In addition, site activities disturbing less than one acre are also regulated if they are part of a "larger common plan of development or sale" with a planned disturbance of equal to or greater than one acre.
4. **Plan Information:** The drainage plan must provide information on existing or undisturbed conditions, existing "pass-through" drainage flows, proposed surface alterations on the property, and methods to be used for the control and maintenance of stormwater drainage including:
- a. *Site drainage system control methods such that the off-site release rate does not exceed the undeveloped condition for the same design storm event by providing that all excess runoff is detained and released in a controlled manner without erosion. To this end, a detention basin shall be provided where necessary in order to limit post-development flows to pre-development flow rates and sediment loading.*
 - b. *Detention basins shall be capable of handling the calculated difference between historic flows and the anticipated post-development flows using a 25-year design storm.*
 - c. *For the purposes of the sizing of detention pond, outlet structures shall be designed to ensure outflow peak discharges are not in excess of pre-development (i.e. pre-project) peak discharges.*
 - d. *Ponding of storm drainage water in retention ponds shall not be permitted.*

- e. *Detention ponds shall be designed to release runoff at the undeveloped rate. The release rate may be increased if analysis shows that the downstream capacity exceeds the design storm event release rate. The release rate shall be decreased if it can be shown that a significant adverse impact will occur to existing property.*
- f. *Any possible contamination of the surface flows must be controlled such that any spills or other source of pollution is controlled. Discharge leaving the site shall conform to all applicable federal, state, and local laws.*

5. **Plan Requirements:** All storm drainage plans and calculations must be prepared and stamped by a New Mexico licensed professional civil engineer before being submitted to the city's Planning Department. Site developers are encouraged to request a meeting with City staff to clarify the drainage plan requirements specific to individual projects. Each drainage plan must include the following:
- a. *A vicinity map indicating the on-site and off-site drainage areas with acreage and runoff coefficients identified.*
 - b. *A detailed site plan indicating the limits of the property with elevations and contours that shows the flow location(s), concentration(s), and direction(s). The site plan must also show the area being disturbed and clearly identify the limits of grading. It shall include any silt settlement or erosion protection features, easements, and all storm drainage facilities.*
 - c. *Details for erosion control, both temporary (during site grading) and permanent, shall be part of the drainage plan.*
 - d. *Detailed drainage calculations with volumes and velocities for the pre-developed and post-developed conditions using a recognized, published suitable methodology as determined by a professional engineer.*
 - e. *Detailed engineering plans for all improvements and structures. Identification of maintenance responsibility for any drainage easements, improvements, and structures.*
6. **Plan Approval:** Approval by the City Engineer is required prior to any issuance of a grading or building permit, approval of a site plan or other development plan, or beginning any work on the site whether a permit is otherwise required or not at any time. Examples include, but are not

limited to, paving an existing parking area, preliminary grading, or earth moving.

7. **Plan Waiver:** The City Engineer may waive the requirement for a drainage plan for building permits, if it can be demonstrated that the proposed work is not likely to alter drainage patterns or volumes, or contribute to any known surface drainage problem. A formal letter from the property owner or agent must be submitted to seek a waiver (Ord. 2012-3, 5-8-2012).

10-(4)(H)(c) DRAINAGE DESIGN IMPLEMENTATION

Upon approval of the drainage plan, the property owner shall provide any and all necessary grading or drainage structures, including pipes, wing walls, head walls, catch basins, channels, and ditches, at the proper time (e.g., erosion control) during development. Construction shall conform to all city specifications.

1. **Natural Drainage Preference:** Development or modification of the land shall be designed to maximize the amount of natural drainage which is percolated into the soil and to minimize direct overland runoff into the street system, adjacent property, or watercourses.
2. **Conveyance Discharge:** Any drainage conveyance, such as a pipe or channel, must be designed to be low maintenance and self-cleaning, and it shall flow toward existing drainage facilities in public rights of way or public drainage easements.
 - a. *Flows onto adjoining private or public property must typically be at the same location and not greater than historic volume or velocity.*
 - b. *Any change, such as concentration of sheet flows to a point discharge, requires provisions of adequate easements and facilities to protect adjoining properties.*
3. **Impervious Surfaces:** Impervious surfaces are considered to be a facility roof, asphalt pavement, and/or concrete pavement. (Ord. 2012-3, 5-8-2012)

10-(4)(H)(d) GRANDFATHERED DEVELOPMENT

1. A stormwater management plan is not required for existing development as follows:
 - a. *Any remodel or similar work that does not expand the footprint of an existing structure.*
 - b. *Resurfacing an existing asphalt or concrete parking lot; provided, such work does not change the existing dimensions of the parking area.*
2. A stormwater management plan is not required for the reconstruction of commercial or industrial developments that predate the FEMA flood insurance study dated December 16, 1988; provided, the new construction does not increase the existing impervious surface area or change its existing dimensions.

Public rights of way shall be exempt from the terrain management regulations of this article in accordance with subsection 10-4A-4G of this chapter. (Ord. 2012-3, 5-8-2012)

10-5- DEFINITIONS

Accessory, Large Animal Keeping³⁸⁹

4-H or FFA animal raising and any associated structures used in the raising and keeping of animals in accordance with the provisions of section X.x.

Accessory, Office/Sales Area³⁹⁰

Incidental offices or limited retail sales in a store or similar facility that is located within a health care, hotel, office, warehouse or industrial complex that are accessory to another to an approved principal use. These uses include pharmacies, gift shops, and food service establishments within hospitals; and showrooms, convenience stores and food service establishments within hotels, offices, and industrial complexes.

Accessory, Outdoor Animal Pens

An area for the temporary outdoor containment of animals.

Accessory, Outdoor Sales Display Area³⁹¹

The lineal footage of the front of an area used for display and sale of merchandise located outdoors; typically the portion of a display area facing a street or automobile parking area

Accessory, Outdoor Storage³⁹²

The keeping, in an unroofed area of any goods, material, or merchandise in the same place for more than 24 hours, but not including any storage activity or use of land listed separately in Table 10-4B-1a (Use Table).

Accessory, Recreational Vehicle Storage³⁹³

Recycling Depository Collection Container(s)

Accessory, Storage Structure³⁹⁴

A structure or use subordinate to the principal use located on the same lot, and serving a purpose clearly incidental to the permitted principal use. This structure, including shipping container, is uninhabited and used for storage and does not have a door or other entranceway into a dwelling unit, the use of which is limited solely to storage of inanimate objects.

Accessory, Structure

A structure or use subordinate to the principal use located on the same lot, and serving a purpose clearly incidental to the permitted principal use. Accessory structures may include amongst others garages, carports, decks and sheds.

Accessory, Wireless Communications Facilities

Any facility used for wireless communications, usually consisting of a support structure for antennas, an equipment shelter or cabinet, and/or other transmission and reception devices used for business or commercial purposes.

Adult entertainment

An establishment where twenty five (25) percent or more of its gross area is devoted to sell or rent the following adult material that include, but are not limited to, books, magazines, newspapers, films (video tapes and/or DVDs), slides, photographic or written material, and other items or devices that are distinguished or characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities. Adult retail is a primary use and is not an accessory to any other use.

Adult Retail

An establishment where 25% percent or more of its gross area is devoted to sell or rent the following adult material that include, but not limited to, books, magazines, newspapers, films (video tapes and/or DVDs), slides, photographic or written material, and other items or devices that are distinguished or

³⁸⁹ Formerly, '4-H or FFA animal raising in accordance with subsection 13 of this section. Corrals, barns, and other associated structures used in the raising/keeping of animals in accordance of subsection 13'

³⁹⁰ Includes, 'Managerial office building or mobile office for park management purposes.', 'Business or union offices related to the industrial uses on the premises' and 'Sales and display areas (retail or wholesale) for products manufactured or assembled on the premises, indoor only'

³⁹¹ Formerly, 'Outdoor household furniture/decorations with outdoor storage (as accessory use to department store)'

³⁹² Includes, 'Outdoor sales display areas or storage yards', 'Outdoor storage screened from street or residence district view' and 'Open storage of equipment, wood, lumber and other materials but limited to one area of no larger than one hundred (100) square feet'

³⁹³ Formerly, 'Open storage of recreational vehicles and shelters. In multiple-family or townhouse developments, open storage must be in areas set aside for this purpose'

³⁹⁴ Includes, 'Storage structures excluding shipping containers manufactured for the transportation of materials by truck, rail or sea' and '10% of gross ground floor developable area of principal structure'

characterized by an emphasis on the depiction, description, exposure, or representation of specified anatomical areas or the conduct or simulation of specified sexual activities. Adult retail is a primary use and is not an accessory to any other use.

Agriculture, General³⁹⁵

Any use of land for the purpose of production of crops and horticulture specialties, the raising of livestock and poultry, and the processing, packaging, storage and sale of agricultural products which are raised on the premises, and including all the types of structures normally associated with these uses, such as storage bins, barns, sheds, tool houses, greenhouses, garages, and any other use or facility ancillary to farming or open land. Excluding the keeping, feeding or raising of livestock as a primary use and livestock feedlots.

Agriculture, Livestock³⁹⁶

The raising, keeping, feeding, or sale of livestock for commercial purposes and as a principal land use. This includes hogs, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit farms, apiaries, and aviaries.

Airport

Any area of land whether of public or private ownership, designed and set aside for the landing and taking off of aircraft, including all contiguous property that is held or used for airport purposes.

Airport Overlay Related Definitions

Airport Elevation

The established elevation of the highest point on the usable landing area, which is six thousand four hundred seventy two feet (6,472') MSL.

Airport Landing Area

The area of the airport used for the landing, takeoff or taxiing of aircraft.

³⁹⁵ Includes, 'Agriculture operations including the production of crops and horticulture specialties, the raising of livestock and poultry, beekeeping, aviaries, worm raising and fish culture, but excluding hog and poultry farms, livestock feedlots and dairies and dairy products (see subsection 13 of this section for specific requirements)' and 'Agricultural processing, packaging, storage and sale of agricultural products which are raised on the premises (although sales shall be permitted only from structures on private property conforming to all applicable codes or regulations), but excluding commercial animal slaughterhouses'.

Airport Reference Point

The point established as the approximate geographic center of the airport landing area and is established at a location described as follows: longitude 108° 47' 21.5" N, latitude 35° 30' 39.8" W.

Visual Runway

A runway without a FAA published Instrument Approach Procedure on either runway end.

Non-Precision Runway

A runway with a FAA published Non-Precision Instrument Approach Procedure on one runway end. If the other runway end has a Precision Instrument Approach Procedure, then the runway is a Precision Runway.

Precision Runway

A runway with a FAA published Precision Instrument Approach Procedure on one runway end.

Runway

The surface of an airport landing strip.

Antenna, noncommercial

An individual element or system of conducting elements, as opposed to a single disk or sphere, used for the transmission or reception of electromagnetic waves

Arboretums

A botanical garden devoted to trees.

Artisan Manufacturing³⁹⁷

Processes and production with minimal automation including application, teaching, making, fabrication, compounding, processing, assembling, or treating of crafts or products by an artist, artisan, or craftsman. Uses such as small-scale fabrication, manufacturing, and other industrial uses and processes typically not allowed in non-industrial zone districts including but not limited to

³⁹⁶ Includes, 'Livestock feedlots (minimum site size of 5 acres)', 'Hog farms (minimum site size of 5 acres)', 'Livestock yards, auction' and 'Keeping of large animals in accordance with subsection 13 of this section.'.

³⁹⁷ Formerly, Handicraft artisan studios (custom making of ceramics, jewelry, pottery, leather finished goods, silk screening, sculpturing, wood carving, weaving, sewing and the like)

the making of jewelry, pottery, leather finished goods, silk screening, sculpturing, wood carving, weaving, sewing production of furniture, welding, creation of products from stone, clay, ceramic, metal, textiles, wood, paper, plastic are permitted in this zone. Use may include direct sales to consumers. The production of furniture, jewelry, ceramics and the like are subject to additional performance standards that may include limits on noise, dust, hours of operation and other nuisance factors and may require a special permit.

Assembly Facility

A structure for groups of people to gather for an event, regularly scheduled program, or religious function. Places of public assembly include, but are not limited to, arenas, religious institutions, lecture halls, and similar facilities.

Elderly Housing, Assisted Living

Facility ###³⁹⁸

A facility that provides living and sleeping facilities and care to five (5) or more individuals unrelated by marriage, birth or legal adoption who, because of advanced age or physical or mental disability, require intermittent assistance in performing the activities of daily living, which may include the supervision and/or administration of medication, in a protective environment. Such care includes, but is not be limited to, meal preparation, laundry services, housekeeping, personal observation and direction in the activities of daily living, transportation for routine social and medical appointments, and the availability of a responsible adult for companionship or non-clinical counseling. The use does not include a "Hospital" or a "Group Residential Facility".

Auditorium or theater³⁹⁹

A building or structure, generally enclosed, designed or intended for use for the gathering of people as an audience to view or hear a musical or theatrical performance, concert, sporting or other entertainment event, but not including any facility or performance meeting the definition of adult entertainment.

Bars, nightclubs

An establishment having as its principal use the serving of alcoholic beverages on premises and in which the service of food is only incidental to the consumption of such beverages, but that does not meet the definition for Tap

Room/Tasting Room. This use is only permissive as an accessory use to hotels, motels and restaurants.

Bed and Breakfast

A house with a permanent resident and up to eight (8) guestrooms which may be rented for short term overnight lodging with breakfast served to overnight guests only; guestrooms may be in accessory living quarters; this use is subordinate and incidental to the main residential use of the house.

Boarding House

A premises other than a hotel, restaurant or congregate living facility where lodging is provided, with or without meals, for compensation for to five (5) or more persons unrelated to the owner of the premises by marriage, birth or legal adoption; it does not include "Group Residential Facility".

Business Incubator⁴⁰⁰

A premise / organization designed to facilitate the growth and success of entrepreneurial companies through a variety of business support resources and services that could include physical space, capital, coaching, common services, and networking connections.

Campground or Recreational Vehicle Park⁴⁰¹

A lot developed or used for the temporary occupancy of recreational vehicles or shelters such as motor homes, travel trailers, camper vehicles, tent shelters and the like. The term "recreational vehicle park or campground" is not synonymous with "mobile home park".

Car Wash⁴⁰²

A facility for washing, drying and polishing of motor vehicles on a self-service basis or through automatic or mechanical structures/devices. Car washes are divided into two (2) categories based on the size of the establishment or use:

1. Car Wash, Small: A premise/structure that has facilities to accommodate the washing of three (3) or less automobiles simultaneously.
2. Car Wash, Large: A premise/structure that has the facilities to accommodate the washing of four (4) or more automobiles simultaneously.

³⁹⁸ Formerly Nursing Home

³⁹⁹ Includes, 'Movie theaters, indoor', 'Performing auditoriums (indoor)'

⁴⁰⁰

⁴⁰¹ Includes, 'Recreational vehicle parks and campgrounds, private', 'Recreational vehicle parks/campgrounds' and 'Rental of park spaces for the use of occupied recreational vehicles'.

⁴⁰² New use distinguishes between a small and large car wash.

Cemetery

A place dedicated to the interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Civic Building

A building or structure owned, operated, or occupied by governmental agency to provide a governmental service to the public.

Club or Event Facility⁴⁰³

A building and related facilities catering exclusively to members and their guests for social, intellectual, recreational, or athletic purposes that are not conducted for profit; includes lodge.

Community / Facility Amenity⁴⁰⁴

An accessory use to a residential community or nonresidential facility such as a hotel established primarily for the benefit and service of the population of the community/facility in which it is located, including but not limited to a clubhouse, exercise room, swimming pool, tennis court, community room, cafeteria or laundry room.

Community / Recreation Center

Publicly or privately owned structure, area, or other facility operated for meeting, social, cultural, or educational, or recreational purposes.

Community Garden⁴⁰⁵

A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by individuals or collectively by members of a group or organization.

⁴⁰³ Includes, 'private clubs (excluding outdoor use of weaponry and racing tracks, courses for motorized vehicles and model airplanes)' and 'Recreation Clubs'.

⁴⁰⁴ Includes, 'Parks and common recreational areas serving the mobile home park which are noncommercial in nature', 'Parks and recreational areas serving a specific residential neighborhood or development and which are also noncommercial in nature', 'Custodial and common laundry facilities as an accessory use to a multiple-family or a townhouse development', 'Custodial and common laundry facilities for exclusive park usage', 'Swimming pool, jacuzzi, bathhouse, tennis court, and similar recreational uses', 'Recreational areas as accessory uses to hotels/motels,

Community Residential Facility⁴⁰⁶

This use includes persons meeting the definition of a handicapped person or for other persons protected against housing discrimination under the federal Fair Housing Act Amendments of 1998 (or as amended). Facility operated under the auspices of an association, corporation, or other legal entity designed for people, not related to each other, to reside for a period of more than 24 hours. There is no limit to how long a resident can live in a group home. Group homes are most often used to house people with developmental disabilities (mental retardation, autism, etc.), mental illness, physical disabilities including the frail elderly, and individuals in recovery from addiction to alcohol or drugs (legal or illegal) who are not currently "using." The use does not include: a "hospital"; an "assisted living facility"; or a "Child/Adult day care center."

Construction Contractor Facility and/or Yard⁴⁰⁷

A building and related outdoor areas used to store and maintain construction equipment and materials including but not limited to plumbing, electrical, carpentry, roofing, and landscaping, and facilities customarily required in the building trade by a construction contractor.

Convent or Monastery

A group housing facility designated to provide housing for persons under religious vows or order typically consisting of nuns, priests, monks, or other similar religious personnel.

Correctional Facility⁴⁰⁸

A facility to house persons awaiting trial or persons serving a sentence after being found guilty of committing a crime. This use includes a prison, jail, correctional institution, and adult or juvenile detention center.

Day Care Center⁴⁰⁹

A facility other than a private residence that is licensed by the state and provides care for 7 or more children during the day not including overnight care.

institutions, multiple- and single-family dwellings', 'Recreational facilities for employees.', 'Restaurant/cafeteria facilities for employees' and 'Newsstands for employees'.

⁴⁰⁵ New use

⁴⁰⁶ Former 'Community service clubs and lodges'

⁴⁰⁷ Formerly, 'Building contractors outdoor storage yards'

⁴⁰⁸ Former 'Penal detention centers'

⁴⁰⁹ Includes, 'Daycare nurseries or preschools as a principal use', 'Daycare nursery or preschool serving 7 or more unrelated children as an accessory use to a single family dwelling or mobile home', 'Daycare nursery or preschool serving 5 or more unrelated children on the premises of a recreational

1. Daycare, Center - equal to or more than seven (7) children⁴¹⁰
A facility other than a private residence that is licensed by the state provides care for seven (7) or more children during the day not including overnight care.
2. Daycare, Home – less than or equal to six (6) children⁴¹¹
A private residence that provides care for six (6) or less children during the day, not including overnight care.

Design, Creative and High Technology⁴¹²

A premised where architectural, advertising, landscape architectural, engineering, interior design, industrial design services, multimedia, software development, web design, product design, electronic commerce, information technology, bio-infomatics and other computer based technology work is carried on in primarily nontraditional office space due to either the production, storage, and display requirements, or the technological infrastructure needs of the occupants. Design, Creative and High Technology Uses shall exclude traditional office uses such as banking, insurance, financial services, real estate, management, consulting, and sales.

Drive-in Theater

An establishment including a large outdoor movie screen, a projection booth, and a large parking area or automobiles from which films projected outdoors may be seen. Accessory uses may include a concession stand.

Drive-through or drive-up facility

Establishments whose physical facilities offer goods and services directly to customers waiting in motor vehicles, including, but not limited to financial institutions, restaurants, and drug stores.

complex which is an accessory use to a specific townhouse development' and Daycare nurseries and preschools.

⁴¹⁰ Includes, 'Daycare nursery or preschool as an accessory use on the premises of a church or similar place of religious worship and instruction', 'Daycare nursery or preschool as an accessory use to a single-family dwelling' and 'As accessory use on the premises of church or similar place of religious worship and institution'

⁴¹¹ Includes, 'Daycare nursery or preschool serving 5 or more unrelated children on the premises of a recreational complex which is an accessory use to a specific townhouse development (see subsection 104 D2C of this chapter for specific requirements)' and 'Daycare nursery for six (6) or less children as an accessory use to a single-family dwelling'

Dwelling, Accessory Caretakers Unit⁴¹³

A residence dwelling unit located on a premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises.

Dwelling, Accessory Dorms

A dwelling unit that is secondary to a principle Educational Facility use and houses faculty or students.

Dwelling, Cluster Development⁴¹⁴

A development type that concentrates single-family detached, two-family, or townhouse dwellings through a permitted reduction in lot area, setback, or other site development regulations, provided there is no increase in the number of lots permitted under a conventional subdivision in a given zoning district and the resultant land area is devoted to open space.

Dwelling, Co-Housing Development⁴¹⁵

A type of residential development on an undivided parcel of land composed of private homes and shared amenities including, but not limited to, shared kitchen, indoor community area and dining areas that are shared on a regular basis. The development is served by shared private roads, lanes, or infrastructure, the development intensity is measured by the amount of gross floor area in residential dwelling units rather than the number of residential dwelling units.

Dwelling, Live-Work⁴¹⁶

A structure or portion of a structure combining a residential dwelling unit with an integrated work space principally used by one or more of the dwelling unit residents.

⁴¹² New Use

⁴¹³ Includes, 'Residential quarters as an accessory use to a church or similar place of religious worship or instruction', 'Mobile home dwelling as a principal residence or as an accessory residence for a caretaker', 'Residence (in commercial uses)', 'Garage apartment, mother-in-law apartment or servant's apartment as an accessory use to a single-family dwelling' and 'guest dwelling or accessory living quarters'.

⁴¹⁴ New definition

⁴¹⁵ New definition

⁴¹⁶ New definition

Dwelling, Mobile Home

A manufactured home that does not conform to the United States Department of Housing and Urban Development Code (HUD Code) or the local building code.

Dwelling, Multifamily

A dwelling or group of dwellings on one lot containing separate living units for three (3) or more families, but which may have joint services or facilities.

Dwelling, Single-Family Detached

A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy of one family.

Dwelling, Townhouse

An Individually owned, single-family dwelling constructed as a group of three (3) or more attached single-family dwellings, each of which is situated on an individually owned, subdivided lot."

Dwelling, Two-Family (duplex)⁴¹⁷

A detached house designed for and occupied exclusively as the residence of not more than two families, each living as an independent house-keeping unit.

Educational Facility, Post-Secondary

A private institution that provides full-time or part-time education beyond high school, including vocational schools that provides specialized training and education beyond the high school level.

Educational Facility, Primary / Secondary

A private institution or place for instruction or education which meets state requirements for primary, or secondary education (such as kindergarten; elementary, middle, or junior high school; or high school) which does not secure the major part of its funding from any governmental agency.

Educational Facility, Training center

"Business organized to operate for a profit, offering instruction and training in a trade, a service, or an art.

Electronic / Digital Signs / Billboards:

A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means and maybe animated.

Emergency and Protective Shelter⁴¹⁸

Residential facility which provides room and board for a temporary period, protection, counseling, and pre-placement screening for abused, displaced, or transient children or adults.

Equestrian facilities⁴¹⁹

A facility where horse, mules, donkeys, or ponies are hired, bred, shown, or boarded, and for the display of equestrian skills and the hosting of events including, but not limited to, show jumping, dressage, and similar events of other equestrian disciplines, and including accessory stables or exercise areas.

Financial Institution

Establishment that provides retail banking, mortgage lending, and financial services or administration by a commercial enterprise, or offices or the conduct of professional or business service to individuals and businesses, including check-cashing facilities chartered under federal or state law.

Floodplain Zoning Related Definitions

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article is most reasonable application.

Addition

Any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Alluvial Fan Flooding

Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex

A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

⁴¹⁷ This use combines Two family dwelling and Conversions of existing single family dwellings into two family or multiple-family dwellings

⁴¹⁸ New use

⁴¹⁹ Formerly Horse riding stables

Appurtenant Structure

A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of Future Conditions Flood Hazard

The land area that would be inundated by the one percent (1%) annual chance (100-year) flood based on future conditions hydrology.

Area of Shallow Flooding

A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard

The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking, has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base Flood

The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

The elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent (1%) chance of equaling or exceeding that level in any given year; also called the base flood.

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall

A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Code of Federal Regulations (CFR)

The codification of the general and permanent Rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

Critical Feature

An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development

Any manmade change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DFIRM Database

Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital Flood Insurance Rate Map (DFIRM)

FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Elevated Building

For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing Construction

For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or

before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA

Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

Flood Elevation Study

An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

Flood Insurance Rate Map (FIRM)

An official map of a community, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS)

See definition of Flood Elevation Study.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Protection System

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain Administrator

The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain Development Permit

A permit required before construction or development begins within any Special Flood Hazard Area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management ordinance.

Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations

Zoning articles, subdivision regulations, building codes, health regulations, special purpose articles (such as a floodplain article, grading article and erosion control article) and other applications of police power. The term describes such state or local regulations, in any

combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplain or Flood Prone Area

Any land area susceptible to being inundated by water from any source (see definition of Flood or Flooding).

Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway

See definition of Regulatory Floodway.

Functionally Dependent Use

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long term storage or related manufacturing facilities.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. *By an approved state program as determined by the Secretary of the Interior; or*
 - b. *Directly by the Secretary of the Interior in states without approved programs.*

Levee

A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the national flood insurance program regulations.

Manufactured Home

A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mean Sea Level

For purposes of the national flood insurance program, the North American vertical datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New Construction

For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational Vehicle

A vehicle which is: a) built on a single chassis; b) four hundred (400) square feet or less when measured at the largest horizontal projections; c) designed to be self-propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. SPECIAL FLOOD HAZARD AREA: See definition of Area of Special Flood Hazard.

Start of Construction

For other than new construction or substantial improvements under the coastal barrier resources act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally aboveground, as well as a manufactured home.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or b) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance

A grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see section 60.6 of the national flood insurance program regulations.)

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c) (10), (d) (3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation

The height, in relation to the North American vertical datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. 2010-3, 3-23-2010)

Fraternity or Sorority

A building, rented, occupied or owned by a national or local chapter of a fraternity or sorority that is officially recognized by a college, university, or other educational institution as a residence for students at that college, university, or other educational institution.

Freight Transfer Terminals

Property or building used primarily for freight pick-up or distribution and the temporary parking trucks of common or contract carriers during loading or unloading, including necessary warehouse space for storage of transitory freight. May also include intermodal distribution facilities for truck or shipping transport. Accessory uses may include, but are not limited to, a truck wash.

Funeral Home or Mortuary

A building or part thereof used for human funeral services. Services may include embalming and the performance of other services used in the preparation of the dead for burial, the performance of autopsies and other surgical procedures, the storage of caskets, funeral urns, and other related funeral supplies, the storage of funeral vehicles; and facilities for cremation. A funeral chapel is permitted as an accessory use.

Garage or Carport, commercial

"Structure accessory to the nonresidential structure, designed to accommodate vehicle parking spaces, either enclosed on not more than two sides by walls (carport) or fully enclosed (garage).

Carport: A space for the housing or storage of motor vehicles and enclosed on not more than two sides by walls."

Golf Course⁴²⁰

Group Residence Facility⁴²¹

Building, structure, home, facility, or place operated under the auspices of an association, corporation, or other legal entity designed for people to reside for a period of more than 24 hours and used for the purpose of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care. This use specifically includes persons that do not meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended) and court decisions interpreting that Act, but not skilled nursing care.

⁴²⁰ Includes, 'Golf Course' and 'Driving Range'.

⁴²¹ This use includes 'institutional for the mentally ill', 'childcare home' and 'group home'

Halfway House or Recovery Home⁴²²

This use includes persons that do not meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended). Facility operated under the auspices of an association, corporation, or other legal entity designed for people, not related to each other, to reside for a period of more than 24 hours and used for the purpose of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care. This use does not include skilled nursing care facilities.

Health club or gym⁴²³

A non-medical service establishment intended to maintain or improve the physical condition of persons that contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

Heavy Manufacturing⁴²⁴

Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. This use creates ordinarily a greater than average impacts on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. However, this use include processes that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas. These processes are covered under the Special Manufacturing Zone.

Heavy Vehicle and Equipment Sales, Rental, and Repair⁴²⁵

Facility that is engaged in the sales, storage, rental and/or repair of heavy vehicles and equipment typically used in agricultural, transit, commercial, or industrial operations, including, but not limited to, tractors, vehicles with a gross vehicle weight of 10,000 pounds or greater, semi-trucks and/or trailers, buses,

harvesters, loaders, and all tracked vehicles. Sales of parts, whether new or used, for heavy equipment and vehicles, and incidental storage of vehicles related to sales, rental, fueling, and repair are included in this use. Storage of aboveground fuel is permitted as accessory use.

Heliport

An area of land or structural surface created for and used for the landing and takeoff of helicopters or similar vertical lift aircraft, including passenger, cargo, maintenance, and overhaul facilities, plus fueling service, storage space, tie-down area, hangars, and other accessory buildings and open spaces.

Hospital

An institution providing health services and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hotel or Motel

A premises in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including "Bed and Breakfast" or a "Boarding House".

Indoor Entertainment Venue⁴²⁶

A commercial indoor entertainment venue where food, nonalcoholic beverages or other refreshments may be obtained for consumption on the premises and where floor shows, bands or other forms of entertainment may be provided for customers.

Kennel

A premises on which five (5) or more domesticated house pets over six (6) months of age are kept, maintained, or boarded for profit, personal use or institutional keeping, except guard dog sites, state inspected veterinary hospitals, pet shops, refuges and shelters.

Library or Museum

Public, not for profit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings,

⁴²² This use includes 'institutional for the mentally ill', 'childcare home' and 'group home'

⁴²³ Includes, 'Physical culture, health spas' and 'Baths/saunas/massage establishments'

⁴²⁴ Includes, 'Manufacturing Uses (Heavy)' and 'Asphalt batching and cement making plant'.

⁴²⁵ Includes, 'Agricultural heavy equipment/vehicles sales, rental and servicing', 'Sales, storage, repair and rental of tractors, heavy trucks, agricultural and construction heavy vehicles and equipment' and 'Construction heavy equipment/vehicles, sales, rental and servicing (with aboveground fuel storage)'.

⁴²⁶ Formerly, 'Social nightclub'

films, art and sculptures are kept for use, loaning or viewing to patrons of the facility, but are not normally offered for sale.

Light Manufacturing

Assembly, fabrication, or processing of goods and materials, primarily conducted within an enclosed building, which is designed, built and maintained so as to prevent smoke, noise, glare, dust, odors or other development impacts from being detected beyond the boundaries of the property. Assembly, fabrication, or processing may include compounding, processing, assembling, packaging or testing of goods. This use does not include any use that meets the definition of Heavy Manufacturing or Special Manufacturing.

Light Vehicle and Equipment Sales, Rental, and Repair/Service⁴²⁷

Facility providing major or minor repair, maintenance and servicing of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 10,000 pounds gross vehicle weight. Truck and vehicle sale and rental is also permitted in this use. Truck and vehicle tire sales and servicing is permitted, excluding retreading.

Liquor Retail, off premise

Establishment that is licensed by the state for the sale of beer, wine, or other alcoholic beverages for off-premise consumption. Establishments that operate under a Small Brewer's, Winegrower's, or Craft Distiller's license are not considered Liquor Retail. See also Tap Room/Tasting Room.

Medical or Dental Clinic⁴²⁸

Establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed healthcare practitioners and/or dentists. The term does not include a veterinarian clinic.

Natural Resource Extraction⁴²⁹

On-site extraction of surface or subsurface mineral products or natural resources, including solids, such as coal and ores; liquids, such as crude

petroleum; and gases, such as natural gases. Uses may include quarries, borrow pits, sand and gravel operation, mining, soil mining, rock crushing, screening, and the accessory storage of explosives.

Office, Business or Professional⁴³⁰

A premises where professional, clerical, business management or public administration work is carried on and where the sale of merchandise on the premises is totally absent or a very limited activity in support of the work being carried on.

Other Pet Services

A facility providing care and services for domesticated household pets, such as animal grooming, training, or day care but which is not listed separately in Table 10-4B-1a (Use Table).

Outdoor Recreational Vehicles Storage

The keeping, in an unroofed area or shelter, of recreational vehicles not used for transportation purposes on an active, regular, or continuing basis, generally for a period of one week or more, whether or not the recreational vehicle is titled, licensed, or operable, either as a primary use or accessory use, but not including a salvage yard.

Outdoor Vehicle Storage⁴³¹

The keeping, in an unroofed area, of motor vehicles or equipment not used for transportation purposes on an active, regular, or continuing basis, generally for a period of one week or more, whether or not the motor vehicle is titled, licensed, or operable, either as a primary use or accessory use, but not including a salvage yard.

Parking Lot, Commercial⁴³²

An outdoor area or space for the parking of motor vehicles, including any spaces, aisles, and driveways necessary for the function of the parking lot or for the convenience of patrons. A primary use parking lot is one that is operated as

⁴²⁷ Includes, 'Automobile service stations (See subsection 104D3C of this chapter for specific requirements.)', 'Automobile/truck vehicle sales and servicing', 'Automobile/truck tire sales and servicing (excluding retreading)', 'Automobile/truck body & painting shops', 'Automobile/truck upholstery repair', 'Automobile/ truck servicing and mechanical repair', 'Automobile/truck vehicle sales and servicing', 'Recreational vehicles/shelters sales and servicing', 'Automobile/truck/trailer rental agencies', 'Automobile/truck tire sales and servicing (excluding retreading)'.

⁴²⁸ New use

⁴²⁹ Formerly, Mining, gas, oil and soils extraction.

⁴³⁰ Includes, 'Offices, professional and business' and 'Office, professional (including healthcare) and business'

⁴³¹ Formerly, 'Sales, storage, repair and rental of tractors, heavy trucks, agricultural and construction heavy vehicles and equipment'

⁴³² Includes, 'Parking lots and garages, private commercial' and 'Off street parking and loading areas for the use of patrons, employees and suppliers to the premises.'

a freestanding facility on a lot where no primary building and no other primary land use exists, and for which a fee for parking may be charged. An accessory parking lot is one that is located on a lot where another primary building or land use exists, and that is used primarily to provide parking for one or more of those primary buildings or uses.

Parking Structure, Commercial⁴³³

A structure or part of a structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages, deck parking, and underground or under-building parking areas.

Parks and Open Space

An area set apart for recreational purposes.

Patio House

A single-family dwelling situated on a reduced-size, separate lot with open space setbacks on three sides and with a court. Patio homes may be attached to a similar houses on adjacent lots.

Personal Services, General⁴³⁴

Establishments primarily engaged in providing services involving the care of a person or his/her apparel. This use includes but is not limited to barber and beauty shops; garment cleaning, pressing and drying services; coin-operated laundries; tanning salons; photographic service shops and studios; repair of household appliances; shoe repair shops; rental service; locksmiths; and bicycle sales and repair shop uses.

Plant Nursery

A primary use of land for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or

without an enclosed structure or greenhouse. Outdoor sales of plants are allowed.

Public Safety Facilities⁴³⁵

Facilities operated by public agencies that house equipment, administrative facilities, from which calls for emergency services are handled including fire stations, other fire prevention and firefighting facilities, police and sheriff substations and headquarters. This use includes two different types of Public Safety Facilities;

1. Public Safety Facilities, Headquarter
2. Public Safety Facilities, Substation

Rail Yard

A primary use of land that includes an area and related facilities in which the predominant activity is a the assembly or disassembly and loading or unloading of trains, including without limitation passenger or freight terminals, operations and maintenance shacks, train sheds, and classification yards.

Recreation Facility, indoor⁴³⁶

A facility providing entertainment or recreation activities that take place within enclosed structures, but not including a theater, auditorium, or any other use listed separately in *Table 10-4B-1a (Use Table)*. Examples include but are not limited to: pool and billiard halls, bowling alleys, game rooms, climbing wall centers, or skating rinks.

Recreation Facility, outdoor⁴³⁷

An outdoor facility whose main purpose is to provide entertainment or recreation, with or without charge, including amusement parks, batting cages, golf driving ranges, miniature golf courses, go-cart tracks, target sport ranges, skating rinks, skateboard parks, swimming pools, tennis courts, sports courts,

⁴³³ Includes, 'Parking lots and garages, private commercial', 'Garage parking structures or areas for common parking as an accessory use to a townhouse, multiple-family and, in the RM-4 district, light business/commercial development' and 'Parking structures or garages for storage of commercial vehicles used in the transaction of business conducted on the premises.'

⁴³⁴ Includes, 'Locksmiths', 'Handicraft articles, sales and repair', 'Photographic film processing drop off centers', 'Photography equipment and supplies, sales and servicing', 'Movie film and videotape loan stores', 'Musical instruments, suppliers and recordings, sales and servicing', 'Pawn shops', 'Musical instruments, suppliers and recordings, sales and servicing', 'Dressmaking stops, custom', 'Photographer studios', 'Picture framing services', 'Precision instruments, sales and repair', 'Shoe and leather goods, sales and repair', 'Watch and jewelry stores, sales and repair',

'Audio/video equipment sales and servicing', 'Barber and beauty shops', 'Bicycle sales and repair', 'Electrical and electronic equipment, sales and servicing', 'Furriers, sales, storage and custom tailoring', 'Heating and air conditioning equipment, sales and servicing', 'Household appliances and furnishings, sales and servicing'.

⁴³⁵ This use was split up into two different categories, headquarter and substation, to allow the placement of substations in residential zone districts.

⁴³⁶ Includes, 'Pool and billiard halls', 'Martial arts training centers', 'Skating rinks (indoor)', 'Movie theaters, indoor', 'Game rooms' and 'Bowling Alley'.

⁴³⁷ Includes, 'Amusement parks, permanent and/or temporary (outdoor)' and 'Speedways, racetracks, motorized vehicle motocross courses, model airplane flying courses, parachute skydiving

water parks, private zoos, and similar uses not listed separately in Table 10-4B-1a (Use Table).

Recycling Facility⁴³⁸

Any location whose primary use is where waste or scrap material are stored, brought, solid, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, rags, tires and bottles, and other such materials.

Religious Institution⁴³⁹

A structure or place where worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with its accessory buildings and uses (including buildings used for educational, recreational, philanthropic, or humanitarian activities), operated, maintained, and controlled under the direction of a religious group. Accessory uses may include school facilities, daycare, parking, caretaker's housing, religious leader's housing, and group living facilities such as convents or monasteries.

Restaurant⁴⁴⁰

A premises where prepared meals, including beverages or confections, are served to customers. A regular sit down restaurant is one where the patrons order, receive and eat their meals while sitting at a table or counter. A fast food sit down restaurant is one where the patron's order and/or receive their meal while standing at a counter and then eat their meals in an indoor seating area. A cafeteria would belong to this category. A fast food carry out restaurant is one where the patrons order their meals at a counter and then take their meals outside or off the premises for eating. A drive-in restaurant is one where the patrons order, receive and eat their meals while sitting in their automobiles which are parked in specially equipped stalls for this purpose on the premises.

1. Restaurant, small (smaller or equal to three thousand (3,000) square feet)
2. Restaurant, large (equal or larger to three thousand (3,000) square feet)

landing areas, hang glider takeoff and landing areas, hot air balloon flying, launching and landing areas'

⁴³⁸ Formerly, Collection center

⁴³⁹ Formerly, Churches and similar places of religious worship and instruction

⁴⁴⁰ Includes, 'Restaurants (sit down, but seating less than 40 persons)', 'Restaurants (excluding drive in type)' and 'Restaurant'. New use distinguishes between a small and large restaurant.

Retail Sales, Convenience⁴⁴¹

An establishment providing for the retail sale of general merchandise or food directly to the consumer; including but not limited to sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, or other retail sales not listed as a separate use in Table 10-4B-1a (Use Table), and not including any adult retail use.

General retail is divided into 3 categories based on the size of the establishment or use (not the size of the structure):

1. General Retail, Small: An establishment with no more than X square feet of gross floor area.
2. General Retail, Medium: An establishment of more than X square feet of gross floor area and no more than X square feet of gross floor area, except grocery stores, which shall be no more than X square feet of gross floor area.
3. General Retail, Large: An establishment of more than X square feet of gross floor area, and grocery stores of more than X square feet of gross floor area.

Salvage, demolition and junkyards

A premises, whether inside or outside a building, which is used for the storage, keeping, dismantling, demolition or sale of used or scrap materials, mechanical parts, equipment, vehicles and the like.

Self-Storage⁴⁴²

A building consisting of individual, small, self-contained units, in a building containing more than 3 such storage units, that are leased or owned for the indoor storage of business and household goods or contractor's supplies.

Shooting Range⁴⁴³

An area or structure specially designed for the safe discharge and use of archery and/or the discharging of handguns, rifles, shotguns, and the like, for the purposes of target practice or temporary competitions.

⁴⁴¹ Use distinguishes between a three sizes. It includes the former categories of; 'Retail Sales And Services (Convenience Type)', 'Retail Sales And Services (Light)' and 'Repair Sales And Services (Heavy)'.

⁴⁴² Formerly mini-warehouses

⁴⁴³ Includes, 'Recreational clubs and areas with the outdoor use of weaponry' and 'Recreational private clubs and areas (with outdoor use of weaponry)'.

Shopping Center

A premises containing a group of commercial establishments, site planned, designed, developed, organized and managed as a unit and utilizing such facilities in common as customer parking areas, pedestrian walkways and truck loading and unloading spaces.

Short Term Lodging

A short-term residential rental in which the owner of a private residential rents out that dwelling unit, or portion thereof, to a lodger. The lodger must compensate the host for the stay. No individual lodger may rent lodging in the same dwelling unit for more than 30 days in one year.

Solid Waste Facility ⁴⁴⁴

All contiguous land and structures, other appurtenances, and improvements on the land, used for processing, storing, or disposing of solid waste, or used for the purpose of processing, extracting, converting, or recovering energy or materials from solid waste. A facility may be publicly or privately owned and may consist of several processing, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

Special Manufacturing ⁴⁴⁵

Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins. This use creates ordinarily a greater than average impacts on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. However, this use include processes that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas. These processes are covered under the Special Manufacturing Zone.

⁴⁴⁴ Formerly, Garbage, offal or dead animals, reduction or disposal

⁴⁴⁵ New use

⁴⁴⁶ New use

Tap Room/Tasting Room ⁴⁴⁶

An establishment where ale, beer, and/or similar beverages are brewed; wine is made; or craft alcohol is distilled; or a tap room or tasting room associated with a local brewery, winery, or distillery. Establishments must have an approved "Small brewer's license" as governed by 60-7A-26.1 (stet) NMSA 1978, an approved "Winegrower's license as governed by 60-6A-11 NMSA 1978, or an approved Craft Distiller's license as governed by 60-6A-6.1 NMSA 1978. Annual production shall be limited by state statute. Sale of materials produced on-site for off-premises consumption is allowed.

Temporary, Construction Activities

Construction activities, such as asphalt batching and cement making operations, that occur on a temporary basis for a specific construction project.

Temporary, Dwelling

Temporary use of a mobile home as a residence while building a single-family dwelling on the same lot.

Temporary, Storage

Temporary storage structure or yard for use while a development project is under construction.

Temporary, Structure

Temporary use of a structure, including a mobile office, as a construction site office by a building contractor while a specific project is under construction, or as a real estate office during the construction and initial marketing phase of a new development.

Temporary/Seasonal Sales or Event, Other ⁴⁴⁷

Temporary outdoor or indoor retail display and sales of new or used goods, produce, and/or handcrafts or services associated with the season or a cultural event such as sales of fireworks, pumpkins, Christmas trees, or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales; incidental sales of food and beverages is allowed.

⁴⁴⁷ Includes, 'Temporary sites for scouting and 4H jamborees, music concerts, and traveling amusement parks, circuses and the like', 'Yard sale', 'Amusement parks, permanent and/or temporary (outdoor)', 'Farmers' street, open air food markets' and 'Flea markets'

Train Station

A building, structure, or area designed and used for persons changing transportation modes. The station site may include station platforms, park and ride lots, bus stops, and other similar facilities.

Transit Station

A building, structure, or area designed and used for persons changing transportation modes. The station site may include station platforms, park and ride lots, bus stops, and other similar facilities.

Truck Stop⁴⁴⁸

A facility intended to provide services to the trucking industry, including but not limited to the following activities: dispensing of fuel, repair shops, automated washes, restaurants, and motels; all as part of the facility.

Utilities

This use distinguishes between the major and minor utility facility.

1. Utilities, Major⁴⁴⁹. A facility regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency, including but not limited to major telephone facilities, natural gas facilities, water treatment plants, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services. Major facilities are those sized or designed to serve the entire city, or a wide area of the city while Minor facilities are sized or designated to a portion of the city.
2. Utilities, Minor⁴⁵⁰. A facility regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency. Minor utility facilities provide services that are necessary to support development within the immediate vicinity and involving only minor structures. These substations include transformers, relay and booster devices and well, water, and sewer pump stations.

Veterinary Hospital⁴⁵¹

An establishment of licensed practitioners primarily rendering dentistry, surgical, and medical treatment for animals that may provide overnight

accommodations to pets for a limited period before or after medical procedures.

Warehouse, Wholesale, and Distribution⁴⁵²

Building or premise in which goods, merchandize or equipment are stored and frequent heavy trucking activity may occur. Open storage of material, or nuisances such as dust, noise, and odors may be part of this use. Use shall not include manufacturing or production.

Wireless Communications Facility

Any facility used for wireless communications, usually consisting of a support structure for antennas, an equipment shelter or cabinet, and/or other transmission and reception devices used for business or commercial purposes.

Zoological Park

A park or an institution in which living animals are kept and usually exhibited to the public, this use includes a petting zoo.

⁴⁴⁸ Includes, 'Truck highway stops', 'Truck freight transfer terminals and storage' and 'Truck stops and storage'

⁴⁴⁹ Includes, 'Public and semi-public utilities', 'Utilities' and 'Utility, region serving transmission, storage or other facilities'

⁴⁵⁰ Includes, 'Utility, substation or facilities serving immediate neighborhood'

⁴⁵¹ Includes 'Animal hospitals' and 'Animal hospitals (with outdoor pens)'

⁴⁵² Includes, 'Wholesale warehousing and distribution' and 'Wholesale, warehousing and distribution (except for explosives and flammable products)'